



Rep. Barbara Flynn Currie

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LRB098 15113 AMC 59838 a

1 AMENDMENT TO SENATE BILL 2640

2 AMENDMENT NO. _____. Amend Senate Bill 2640 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Nature of this Act.

5 (a) This Act may be cited as the First 2014 General
6 Revisory Act.

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

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 In certain cases in which a repealed Act or Section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15 incorporate amendments to the repealed Act or Section into the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

1 (c) In this Act, the reference at the end of each amended
2 Section indicates the sources in the Session Laws of Illinois
3 that were used in the preparation of the text of that Section.
4 The text of the Section included in this Act is intended to
5 include the different versions of the Section found in the
6 Public Acts included in the list of sources, but may not
7 include other versions of the Section to be found in Public
8 Acts not included in the list of sources. The list of sources
9 is not a part of the text of the Section.

10 (d) Public Acts 97-1145 through 98-589 were considered in
11 the preparation of the combining revisories included in this
12 Act. Many of those combining revisories contain no striking or
13 underscoring because no additional changes are being made in
14 the material that is being combined.

15 Section 5. The Regulatory Sunset Act is amended by changing
16 Section 4.34 as follows:

17 (5 ILCS 80/4.34)

18 Sec. 4.34. Acts and Section ~~Act~~ repealed on January 1,
19 2024. The following Acts and Section of an Act are ~~is~~ repealed
20 on January 1, 2024:

21 The Electrologist Licensing Act.

22 The Illinois Certified Shorthand Reporters Act of
23 1984.

24 The Illinois Occupational Therapy Practice Act.

1 The Illinois Public Accounting Act.

2 The Private Detective, Private Alarm, Private
3 Security, Fingerprint Vendor, and Locksmith Act of 2004.

4 The Registered Surgical Assistant and Registered
5 Surgical Technologist Title Protection Act.

6 Section 2.5 of the Illinois Plumbing License Law.

7 The Veterinary Medicine and Surgery Practice Act of
8 2004.

9 (Source: P.A. 98-140, eff. 12-31-13; 98-253, eff. 8-9-13;
10 98-254, eff. 8-9-13; 98-264, eff. 12-31-13; 98-339, eff.
11 12-31-13; 98-363, eff. 8-16-13; 98-364, eff. 12-31-13; 98-445,
12 eff. 12-31-13; revised 9-10-13.)

13 Section 10. The Open Meetings Act is amended by changing
14 Section 2 as follows:

15 (5 ILCS 120/2) (from Ch. 102, par. 42)

16 Sec. 2. Open meetings.

17 (a) Openness required. All meetings of public bodies shall
18 be open to the public unless excepted in subsection (c) and
19 closed in accordance with Section 2a.

20 (b) Construction of exceptions. The exceptions contained
21 in subsection (c) are in derogation of the requirement that
22 public bodies meet in the open, and therefore, the exceptions
23 are to be strictly construed, extending only to subjects
24 clearly within their scope. The exceptions authorize but do not

1 require the holding of a closed meeting to discuss a subject
2 included within an enumerated exception.

3 (c) Exceptions. A public body may hold closed meetings to
4 consider the following subjects:

5 (1) The appointment, employment, compensation,
6 discipline, performance, or dismissal of specific
7 employees of the public body or legal counsel for the
8 public body, including hearing testimony on a complaint
9 lodged against an employee of the public body or against
10 legal counsel for the public body to determine its
11 validity.

12 (2) Collective negotiating matters between the public
13 body and its employees or their representatives, or
14 deliberations concerning salary schedules for one or more
15 classes of employees.

16 (3) The selection of a person to fill a public office,
17 as defined in this Act, including a vacancy in a public
18 office, when the public body is given power to appoint
19 under law or ordinance, or the discipline, performance or
20 removal of the occupant of a public office, when the public
21 body is given power to remove the occupant under law or
22 ordinance.

23 (4) Evidence or testimony presented in open hearing, or
24 in closed hearing where specifically authorized by law, to
25 a quasi-adjudicative body, as defined in this Act, provided
26 that the body prepares and makes available for public

1 inspection a written decision setting forth its
2 determinative reasoning.

3 (5) The purchase or lease of real property for the use
4 of the public body, including meetings held for the purpose
5 of discussing whether a particular parcel should be
6 acquired.

7 (6) The setting of a price for sale or lease of
8 property owned by the public body.

9 (7) The sale or purchase of securities, investments, or
10 investment contracts. This exception shall not apply to the
11 investment of assets or income of funds deposited into the
12 Illinois Prepaid Tuition Trust Fund.

13 (8) Security procedures and the use of personnel and
14 equipment to respond to an actual, a threatened, or a
15 reasonably potential danger to the safety of employees,
16 students, staff, the public, or public property.

17 (9) Student disciplinary cases.

18 (10) The placement of individual students in special
19 education programs and other matters relating to
20 individual students.

21 (11) Litigation, when an action against, affecting or
22 on behalf of the particular public body has been filed and
23 is pending before a court or administrative tribunal, or
24 when the public body finds that an action is probable or
25 imminent, in which case the basis for the finding shall be
26 recorded and entered into the minutes of the closed

1 meeting.

2 (12) The establishment of reserves or settlement of
3 claims as provided in the Local Governmental and
4 Governmental Employees Tort Immunity Act, if otherwise the
5 disposition of a claim or potential claim might be
6 prejudiced, or the review or discussion of claims, loss or
7 risk management information, records, data, advice or
8 communications from or with respect to any insurer of the
9 public body or any intergovernmental risk management
10 association or self insurance pool of which the public body
11 is a member.

12 (13) Conciliation of complaints of discrimination in
13 the sale or rental of housing, when closed meetings are
14 authorized by the law or ordinance prescribing fair housing
15 practices and creating a commission or administrative
16 agency for their enforcement.

17 (14) Informant sources, the hiring or assignment of
18 undercover personnel or equipment, or ongoing, prior or
19 future criminal investigations, when discussed by a public
20 body with criminal investigatory responsibilities.

21 (15) Professional ethics or performance when
22 considered by an advisory body appointed to advise a
23 licensing or regulatory agency on matters germane to the
24 advisory body's field of competence.

25 (16) Self evaluation, practices and procedures or
26 professional ethics, when meeting with a representative of

1 a statewide association of which the public body is a
2 member.

3 (17) The recruitment, credentialing, discipline or
4 formal peer review of physicians or other health care
5 professionals for a hospital, or other institution
6 providing medical care, that is operated by the public
7 body.

8 (18) Deliberations for decisions of the Prisoner
9 Review Board.

10 (19) Review or discussion of applications received
11 under the Experimental Organ Transplantation Procedures
12 Act.

13 (20) The classification and discussion of matters
14 classified as confidential or continued confidential by
15 the State Government Suggestion Award Board.

16 (21) Discussion of minutes of meetings lawfully closed
17 under this Act, whether for purposes of approval by the
18 body of the minutes or semi-annual review of the minutes as
19 mandated by Section 2.06.

20 (22) Deliberations for decisions of the State
21 Emergency Medical Services Disciplinary Review Board.

22 (23) The operation by a municipality of a municipal
23 utility or the operation of a municipal power agency or
24 municipal natural gas agency when the discussion involves
25 (i) contracts relating to the purchase, sale, or delivery
26 of electricity or natural gas or (ii) the results or

1 conclusions of load forecast studies.

2 (24) Meetings of a residential health care facility
3 resident sexual assault and death review team or the
4 Executive Council under the Abuse Prevention Review Team
5 Act.

6 (25) Meetings of an independent team of experts under
7 Brian's Law.

8 (26) Meetings of a mortality review team appointed
9 under the Department of Juvenile Justice Mortality Review
10 Team Act.

11 (27) (Blank).

12 (28) Correspondence and records (i) that may not be
13 disclosed under Section 11-9 of the Public Aid Code or (ii)
14 that pertain to appeals under Section 11-8 of the Public
15 Aid Code.

16 (29) Meetings between internal or external auditors
17 and governmental audit committees, finance committees, and
18 their equivalents, when the discussion involves internal
19 control weaknesses, identification of potential fraud risk
20 areas, known or suspected frauds, and fraud interviews
21 conducted in accordance with generally accepted auditing
22 standards of the United States of America.

23 (30) Those meetings or portions of meetings of an
24 at-risk adult fatality review team or the Illinois At-Risk
25 Adult Fatality Review Team Advisory Council during which a
26 review of the death of an eligible adult in which abuse or

1 neglect is suspected, alleged, or substantiated is
2 conducted pursuant to Section 15 of the Adult Protective
3 Services Act.

4 (31) ~~(30)~~ Meetings and deliberations for decisions of
5 the Concealed Carry Licensing Review Board under the
6 Firearm Concealed Carry Act.

7 (d) Definitions. For purposes of this Section:

8 "Employee" means a person employed by a public body whose
9 relationship with the public body constitutes an
10 employer-employee relationship under the usual common law
11 rules, and who is not an independent contractor.

12 "Public office" means a position created by or under the
13 Constitution or laws of this State, the occupant of which is
14 charged with the exercise of some portion of the sovereign
15 power of this State. The term "public office" shall include
16 members of the public body, but it shall not include
17 organizational positions filled by members thereof, whether
18 established by law or by a public body itself, that exist to
19 assist the body in the conduct of its business.

20 "Quasi-adjudicative body" means an administrative body
21 charged by law or ordinance with the responsibility to conduct
22 hearings, receive evidence or testimony and make
23 determinations based thereon, but does not include local
24 electoral boards when such bodies are considering petition
25 challenges.

26 (e) Final action. No final action may be taken at a closed

1 meeting. Final action shall be preceded by a public recital of
2 the nature of the matter being considered and other information
3 that will inform the public of the business being conducted.

4 (Source: P.A. 97-318, eff. 1-1-12; 97-333, eff. 8-12-11;
5 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff.
6 8-1-12; 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; revised
7 7-23-13.)

8 Section 15. The Freedom of Information Act is amended by
9 changing Sections 3.2 and 7.5 as follows:

10 (5 ILCS 140/3.2)

11 Sec. 3.2. Recurrent requesters.

12 (a) Notwithstanding ~~Notwithstanding~~ any provision of this
13 Act to the contrary, a public body shall respond to a request
14 from a recurrent requester, as defined in subsection (g) of
15 Section 2, within 21 business days after receipt. The response
16 shall (i) provide to the requester an estimate of the time
17 required by the public body to provide the records requested
18 and an estimate of the fees to be charged, which the public
19 body may require the person to pay in full before copying the
20 requested documents, (ii) deny the request pursuant to one or
21 more of the exemptions set out in this Act, (iii) notify the
22 requester that the request is unduly burdensome and extend an
23 opportunity to the requester to attempt to reduce the request
24 to manageable proportions, or (iv) provide the records

1 requested.

2 (b) Within 5 business days after receiving a request from a
3 recurrent requester, as defined in subsection (g) of Section 2,
4 the public body shall notify the requester (i) that the public
5 body is treating the request as a request under subsection (g)
6 of Section 2, (ii) of the reasons why the public body is
7 treating the request as a request under subsection (g) of
8 Section 2, and (iii) that the public body will send an initial
9 response within 21 business days after receipt in accordance
10 with subsection (a) of this Section. The public body shall also
11 notify the requester of the proposed responses that can be
12 asserted pursuant to subsection (a) of this Section.

13 (c) Unless the records are exempt from disclosure, a public
14 body shall comply with a request within a reasonable period
15 considering the size and complexity of the request.

16 (Source: P.A. 97-579, eff. 8-26-11; revised 9-4-13.)

17 (5 ILCS 140/7.5)

18 Sec. 7.5. Statutory Exemptions. To the extent provided for
19 by the statutes referenced below, the following shall be exempt
20 from inspection and copying:

21 (a) All information determined to be confidential under
22 Section 4002 of the Technology Advancement and Development Act.

23 (b) Library circulation and order records identifying
24 library users with specific materials under the Library Records
25 Confidentiality Act.

1 (c) Applications, related documents, and medical records
2 received by the Experimental Organ Transplantation Procedures
3 Board and any and all documents or other records prepared by
4 the Experimental Organ Transplantation Procedures Board or its
5 staff relating to applications it has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating to
8 known or suspected cases of sexually transmissible disease or
9 any information the disclosure of which is restricted under the
10 Illinois Sexually Transmissible Disease Control Act.

11 (e) Information the disclosure of which is exempted under
12 Section 30 of the Radon Industry Licensing Act.

13 (f) Firm performance evaluations under Section 55 of the
14 Architectural, Engineering, and Land Surveying Qualifications
15 Based Selection Act.

16 (g) Information the disclosure of which is restricted and
17 exempted under Section 50 of the Illinois Prepaid Tuition Act.

18 (h) Information the disclosure of which is exempted under
19 the State Officials and Employees Ethics Act, and records of
20 any lawfully created State or local inspector general's office
21 that would be exempt if created or obtained by an Executive
22 Inspector General's office under that Act.

23 (i) Information contained in a local emergency energy plan
24 submitted to a municipality in accordance with a local
25 emergency energy plan ordinance that is adopted under Section
26 11-21.5-5 of the Illinois Municipal Code.

1 (j) Information and data concerning the distribution of
2 surcharge moneys collected and remitted by wireless carriers
3 under the Wireless Emergency Telephone Safety Act.

4 (k) Law enforcement officer identification information or
5 driver identification information compiled by a law
6 enforcement agency or the Department of Transportation under
7 Section 11-212 of the Illinois Vehicle Code.

8 (l) Records and information provided to a residential
9 health care facility resident sexual assault and death review
10 team or the Executive Council under the Abuse Prevention Review
11 Team Act.

12 (m) Information provided to the predatory lending database
13 created pursuant to Article 3 of the Residential Real Property
14 Disclosure Act, except to the extent authorized under that
15 Article.

16 (n) Defense budgets and petitions for certification of
17 compensation and expenses for court appointed trial counsel as
18 provided under Sections 10 and 15 of the Capital Crimes
19 Litigation Act. This subsection (n) shall apply until the
20 conclusion of the trial of the case, even if the prosecution
21 chooses not to pursue the death penalty prior to trial or
22 sentencing.

23 (o) Information that is prohibited from being disclosed
24 under Section 4 of the Illinois Health and Hazardous Substances
25 Registry Act.

26 (p) Security portions of system safety program plans,

1 investigation reports, surveys, schedules, lists, data, or
2 information compiled, collected, or prepared by or for the
3 Regional Transportation Authority under Section 2.11 of the
4 Regional Transportation Authority Act or the St. Clair County
5 Transit District under the Bi-State Transit Safety Act.

6 (q) Information prohibited from being disclosed by the
7 Personnel Records Review Act.

8 (r) Information prohibited from being disclosed by the
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted under
11 Section 5-108 of the Public Utilities Act.

12 (t) All identified or deidentified health information in
13 the form of health data or medical records contained in, stored
14 in, submitted to, transferred by, or released from the Illinois
15 Health Information Exchange, and identified or deidentified
16 health information in the form of health data and medical
17 records of the Illinois Health Information Exchange in the
18 possession of the Illinois Health Information Exchange
19 Authority due to its administration of the Illinois Health
20 Information Exchange. The terms "identified" and
21 "deidentified" shall be given the same meaning as in the Health
22 Insurance Accountability and Portability Act of 1996, Public
23 Law 104-191, or any subsequent amendments thereto, and any
24 regulations promulgated thereunder.

25 (u) Records and information provided to an independent team
26 of experts under Brian's Law.

1 (v) Names and information of people who have applied for or
2 received Firearm Owner's Identification Cards under the
3 Firearm Owners Identification Card Act or applied for or
4 received a concealed carry license under the Firearm Concealed
5 Carry Act, unless otherwise authorized by the Firearm Concealed
6 Carry Act; and databases under the Firearm Concealed Carry Act,
7 records of the Concealed Carry Licensing Review Board under the
8 Firearm Concealed Carry Act, and law enforcement agency
9 objections under the Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is exempted
11 from disclosure under subsection (g) of Section 19.1 of the
12 Toll Highway Act.

13 (x) Information which is exempted from disclosure under
14 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the
15 Illinois Municipal Code.

16 (y) Confidential information under the Adult Protective
17 Services Act and its predecessor enabling statute, the Elder
18 Abuse and Neglect Act, including information about the identity
19 and administrative finding against any caregiver of a verified
20 and substantiated decision of significant abuse, neglect, or
21 financial exploitation of an eligible adult maintained in the
22 Department of Public Health's Health Care Worker Registry.

23 (z) Records and information provided to an at-risk adult
24 fatality review team or the Illinois At-Risk Adult Fatality
25 Review Team Advisory Council under Section 15 of the Adult
26 Protective Services Act.

1 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,
2 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,
3 eff. 7-1-13; 98-63, eff. 7-9-13; revised 7-23-13.)

4 Section 20. The State Employee Indemnification Act is
5 amended by changing Section 1 as follows:

6 (5 ILCS 350/1) (from Ch. 127, par. 1301)

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

8 (a) The term "State" means the State of Illinois, the
9 General Assembly, the court, or any State office, department,
10 division, bureau, board, commission, or committee, the
11 governing boards of the public institutions of higher education
12 created by the State, the Illinois National Guard, the
13 Comprehensive Health Insurance Board, any poison control
14 center designated under the Poison Control System Act that
15 receives State funding, or any other agency or instrumentality
16 of the State. It does not mean any local public entity as that
17 term is defined in Section 1-206 of the Local Governmental and
18 Governmental Employees Tort Immunity Act or a pension fund.

19 (b) The term "employee" means any present or former elected
20 or appointed officer, trustee or employee of the State, or of a
21 pension fund, any present or former commissioner or employee of
22 the Executive Ethics Commission or of the Legislative Ethics
23 Commission, any present or former Executive, Legislative, or
24 Auditor General's Inspector General, any present or former

1 employee of an Office of an Executive, Legislative, or Auditor
2 General's Inspector General, any present or former member of
3 the Illinois National Guard while on active duty, individuals
4 or organizations who contract with the Department of
5 Corrections, the Department of Juvenile Justice, the
6 Comprehensive Health Insurance Board, or the Department of
7 Veterans' Affairs to provide services, individuals or
8 organizations who contract with the Department of Human
9 Services (as successor to the Department of Mental Health and
10 Developmental Disabilities) to provide services including but
11 not limited to treatment and other services for sexually
12 violent persons, individuals or organizations who contract
13 with the Department of Military Affairs for youth programs,
14 individuals or organizations who contract to perform carnival
15 and amusement ride safety inspections for the Department of
16 Labor, individual representatives of or designated
17 organizations authorized to represent the Office of State
18 Long-Term Ombudsman for the Department on Aging, individual
19 representatives of or organizations designated by the
20 Department on Aging in the performance of their duties as adult
21 protective services agencies or regional administrative
22 agencies under the Adult Protective Services Act, individuals
23 or organizations appointed as members of a review team or the
24 Advisory Council under the Adult Protective Services Act,
25 individuals or organizations who perform volunteer services
26 for the State where such volunteer relationship is reduced to

1 writing, individuals who serve on any public entity (whether
2 created by law or administrative action) described in paragraph
3 (a) of this Section, individuals or not for profit
4 organizations who, either as volunteers, where such volunteer
5 relationship is reduced to writing, or pursuant to contract,
6 furnish professional advice or consultation to any agency or
7 instrumentality of the State, individuals who serve as foster
8 parents for the Department of Children and Family Services when
9 caring for a Department ward, individuals who serve as members
10 of an independent team of experts under Brian's Law, and
11 individuals who serve as arbitrators pursuant to Part 10A of
12 Article II of the Code of Civil Procedure and the rules of the
13 Supreme Court implementing Part 10A, each as now or hereafter
14 amended, but does not mean an independent contractor except as
15 provided in this Section. The term includes an individual
16 appointed as an inspector by the Director of State Police when
17 performing duties within the scope of the activities of a
18 Metropolitan Enforcement Group or a law enforcement
19 organization established under the Intergovernmental
20 Cooperation Act. An individual who renders professional advice
21 and consultation to the State through an organization which
22 qualifies as an "employee" under the Act is also an employee.
23 The term includes the estate or personal representative of an
24 employee.

25 (c) The term "pension fund" means a retirement system or
26 pension fund created under the Illinois Pension Code.

1 (Source: P.A. 98-49, eff. 7-1-13; 98-83, eff. 7-15-13; revised
2 8-9-13.)

3 Section 25. The State Employees Group Insurance Act of 1971
4 is amended by setting forth, renumbering, and changing multiple
5 versions of Section 2.5 as follows:

6 (5 ILCS 375/2.5)

7 Sec. 2.5. Application to Regional Transportation Authority
8 Board members. Notwithstanding any other provision of this Act
9 to the contrary, this Act does not apply to any member of the
10 Regional Transportation Authority Board who first becomes a
11 member of that Board on or after July 23, 2013 (the effective
12 date of Public Act 98-108) ~~this amendatory Act of the 98th~~
13 ~~General Assembly~~ with respect to service of that Board.

14 (Source: P.A. 98-108, eff. 7-23-13; revised 9-6-13.)

15 (5 ILCS 375/2.9)

16 Sec. 2.9 ~~2.5~~. State healthcare purchasing. On and after the
17 date 6 months after August 16, 2013 (the effective date of
18 Public Act 98-488) ~~this amendatory Act of the 98th General~~
19 ~~Assembly~~, as provided in the Executive Order 1 (2012)
20 Implementation Act, all of the powers, duties, rights, and
21 responsibilities related to State healthcare purchasing under
22 this Act that were transferred from the Department of Central
23 Management Services to the Department of Healthcare and Family

1 Services by Executive Order 3 (2005) are transferred back to
2 the Department.

3 (Source: P.A. 98-488, eff. 8-16-13; revised 9-6-13.)

4 Section 30. The State Commemorative Dates Act is amended by
5 setting forth, renumbering, and changing multiple versions of
6 Section 175 as follows:

7 (5 ILCS 490/175)

8 Sec. 175. Mother Mary Ann Bickerdyke Day. The second
9 Wednesday in May of each year is designated as Mother Mary Ann
10 Bickerdyke Day, to be observed throughout the State as a day
11 set apart to honor Mother Mary Ann Bickerdyke of Galesburg,
12 military nurses, and the contribution of nurses to the State of
13 Illinois and the United States of America.

14 (Source: P.A. 98-141, eff. 8-2-13.)

15 (5 ILCS 490/180)

16 Sec. 180 ~~175~~. Chronic Obstructive Pulmonary Disease (COPD)
17 Month. The month of November in each year is designated as
18 Chronic Obstructive Pulmonary Disease (COPD) Month to be
19 observed throughout the State as a month for the people of
20 Illinois to support efforts to decrease the prevalence of COPD,
21 develop better treatments, and work toward an eventual cure
22 through increased research, treatment, and prevention.

23 (Source: P.A. 98-220, eff. 8-9-13; revised 9-9-13.)

1 (5 ILCS 490/185)

2 Sec. 185 ~~175~~. Eat Local, Buy Illinois Products Day. The
3 first Saturday of each month is designated as Eat Local, Buy
4 Illinois Products Day to promote local food initiatives and~~7~~
5 Illinois agribusiness~~7~~ and to encourage residents to re-invest
6 in the local economy. The Department of Agriculture's Illinois
7 Product Logo Program shall assist in increasing awareness and
8 sales of Illinois food and agribusiness products.

9 (Source: P.A. 98-341, eff. 8-13-13; revised 9-9-13.)

10 Section 35. The Election Code is amended by changing
11 Sections 1A-16.5, 4-10, 5-9, 10-4, 19-4, 24A-15.1, 24A-16, and
12 28-3 as follows:

13 (10 ILCS 5/1A-16.5)

14 Sec. 1A-16.5. Online voter registration.

15 (a) The State Board of Elections shall establish and
16 maintain a system for online voter registration that permits a
17 person to apply to register to vote or to update his or her
18 existing voter registration. In accordance with technical
19 specifications provided by the State Board of Elections, each
20 election authority shall maintain a voter registration system
21 capable of receiving and processing voter registration
22 application information, including electronic signatures, from
23 the online voter registration system established by the State

1 Board of Elections.

2 (b) The online voter registration system shall employ
3 security measures to ensure the accuracy and integrity of voter
4 registration applications submitted electronically pursuant to
5 this Section.

6 (c) The Board may receive voter registration information
7 provided by applicants using the State Board of Elections'
8 website, may cross reference that information with data or
9 information contained in the Secretary of State's database in
10 order to match the information submitted by applicants, and may
11 receive from the Secretary of State the applicant's digitized
12 signature upon a successful match of that applicant's
13 information with that contained in the Secretary of State's
14 database.

15 (d) Notwithstanding any other provision of law, a person
16 who is qualified to register to vote and who has an authentic
17 Illinois driver's license or State identification card issued
18 by the Secretary of State may submit an application to register
19 to vote electronically on a website maintained by the State
20 Board of Elections.

21 (e) An online voter registration application shall contain
22 all of the information that is required for a paper application
23 as provided in Section 1A-16 of this Code, except that the
24 applicant shall be required to provide:

25 (1) the applicant's full Illinois driver's license or
26 State identification card number;

1 (2) the last 4 digits of the applicant's social
2 security number; and

3 (3) the date the Illinois driver's license or State
4 identification card was issued.

5 (f) For an applicant's registration or change in
6 registration to be accepted, the applicant shall mark the box
7 associated with the following statement included as part of the
8 online voter registration application:

9 "By clicking on the box below, I swear or affirm all of the
10 following:

11 (1) I am the person whose name and identifying information
12 is provided on this form, and I desire to register to vote in
13 the State of Illinois.

14 (2) All the information I have provided on this form is
15 true and correct as of the date I am submitting this form.

16 (3) I authorize the Secretary of State to transmit to the
17 State Board of Elections my signature that is on file with the
18 Secretary of State and understand that such signature will be
19 used by my local election authority on this online voter
20 registration application for admission as an elector as if I
21 had signed this form personally."

22 (g) Immediately upon receiving a completed online voter
23 registration application, the online voter registration system
24 shall send, by electronic mail, a confirmation notice that the
25 application has been received. Within 48 hours of receiving
26 such an application, the online voter registration system shall

1 send by electronic mail, a notice informing the applicant of
2 whether the following information has been matched with the
3 Secretary of State database:

4 (1) that the applicant has an authentic Illinois
5 driver's license or State identification card issued by the
6 Secretary of State and that the driver's license or State
7 identification number provided by the applicant matches
8 the driver's license or State identification card number
9 for that person on file with the Secretary of State;

10 (2) that the date of issuance of the Illinois driver's
11 license or State identification card listed on the
12 application matches the date of issuance of that card for
13 that person on file with the Secretary of State;

14 (3) that the date of birth provided by the applicant
15 matches the date of birth for that person on file with the
16 Secretary of State; and

17 (4) that the last 4 digits of the applicant's social
18 security number matches the last 4 ~~four~~ digits for that
19 person on file with the Secretary of State.

20 (h) If the information provided by the applicant matches
21 the information on the Secretary of State's databases for any
22 driver's license and State identification card holder and is
23 matched as provided in subsection (g) above, the online voter
24 registration system shall:

25 (1) retrieve from the Secretary of State's database
26 files an electronic copy of the applicant's signature from

1 his or her Illinois driver's license or State
2 identification card and such signature shall be deemed to
3 be the applicant's signature on his or her online voter
4 registration application;

5 (2) within 2 days of receiving the application, forward
6 to the county clerk or board of election commissioners
7 having jurisdiction over the applicant's voter
8 registration: (i) the application, along with the
9 applicant's relevant data that can be directly loaded into
10 the jurisdiction's voter registration system and (ii) a
11 copy of the applicant's electronic signature and a
12 certification from the State Board of Elections that the
13 applicant's driver's license or State identification card
14 number, driver's license or State identification card date
15 of issuance, and date of birth and social security
16 information have been successfully matched.

17 (i) Upon receipt of the online voter registration
18 application, the county clerk or board of election
19 commissioners having jurisdiction over the applicant's voter
20 registration shall promptly search its voter registration
21 database to determine whether the applicant is already
22 registered to vote at the address on the application and
23 whether the new registration would create a duplicate
24 registration. If the applicant is already registered to vote at
25 the address on the application, the clerk or board, as the case
26 may be, shall send the applicant by first class mail, and

1 electronic mail if the applicant has provided an electronic
2 mail address on the original voter registration form for that
3 address, a disposition notice as otherwise required by law
4 informing the applicant that he or she is already registered to
5 vote at such address. If the applicant is not already
6 registered to vote at the address on the application and the
7 applicant is otherwise eligible to register to vote, the clerk
8 or board, as the case may be, shall:

9 (1) enter the name and address of the applicant on the
10 list of registered voters in the jurisdiction; and

11 (2) send by mail, and electronic mail if the applicant
12 has provided an electronic mail address on the voter
13 registration form, a disposition notice to the applicant as
14 otherwise provided by law setting forth the applicant's
15 name and address as it appears on the application and
16 stating that the person is registered to vote.

17 (j) An electronic signature of the person submitting a
18 duplicate registration application or a change of address form
19 that is retrieved and imported from the Secretary of State's
20 driver's license or State identification card database as
21 provided herein may, in the discretion of the clerk or board,
22 be substituted for and replace any existing signature for that
23 individual in the voter registration database of the county
24 clerk or board of election commissioners.

25 (k) Any new registration or change of address submitted
26 electronically as provided in this Section shall become

1 effective as of the date it is received by the county clerk or
2 board of election commissioners having jurisdiction over said
3 registration. Disposition notices prescribed in this Section
4 shall be sent within 5 business days of receipt of the online
5 application or change of address by the county clerk or board
6 of election commissioners.

7 (l) All provisions of this Code governing voter
8 registration and applicable thereto and not inconsistent with
9 this Section shall apply to online voter registration under
10 this Section. All applications submitted on a website
11 maintained by the State Board of Elections shall be deemed
12 timely filed if they are submitted no later than 11:59 p.m. on
13 the final day for voter registration prior to an election.
14 After the registration period for an upcoming election has
15 ended and until the 2nd day following such election, the web
16 page containing the online voter registration form on the State
17 Board of Elections website shall inform users of the procedure
18 for grace period voting.

19 (m) The State Board of Elections shall maintain a list of
20 the name, street address, e-mail address, and likely precinct,
21 ward, township, and district numbers, as the case may be, of
22 people who apply to vote online through the voter registration
23 system and those names and that information shall be stored in
24 an electronic format on its website, arranged by county and
25 accessible to State and local political committees.

26 (n) The Illinois State Board of Elections shall submit a

1 report to the General Assembly and the Governor by January 31,
2 2014 detailing the progress made to implement the online voter
3 registration system described in this Section.

4 (o) The online voter registration system provided for in
5 this Section shall be fully operational by July 1, 2014.

6 (Source: P.A. 98-115, eff. 7-29-13; revised 9-4-13.)

7 (10 ILCS 5/4-10) (from Ch. 46, par. 4-10)

8 Sec. 4-10. Except as herein provided, no person shall be
9 registered, unless he applies in person to a registration
10 officer, answers such relevant questions as may be asked of him
11 by the registration officer, and executes the affidavit of
12 registration. The registration officer shall require the
13 applicant to furnish two forms of identification, and except in
14 the case of a homeless individual, one of which must include
15 his or her residence address. These forms of identification
16 shall include, but not be limited to, any of the following:
17 driver's license, social security card, public aid
18 identification card, utility bill, employee or student
19 identification card, lease or contract for a residence, credit
20 card, or a civic, union or professional association membership
21 card. The registration officer shall require a homeless
22 individual to furnish evidence of his or her use of the mailing
23 address stated. This use may be demonstrated by a piece of mail
24 addressed to that individual and received at that address or by
25 a statement from a person authorizing use of the mailing

1 address. The registration officer shall require each applicant
2 for registration to read or have read to him the affidavit of
3 registration before permitting him to execute the affidavit.

4 One of the registration officers or a deputy registration
5 officer, county clerk, or clerk in the office of the county
6 clerk, shall administer to all persons who shall personally
7 apply to register the following oath or affirmation:

8 "You do solemnly swear (or affirm) that you will fully and
9 truly answer all such questions as shall be put to you touching
10 your name, place of residence, place of birth, your
11 qualifications as an elector and your right as such to register
12 and vote under the laws of the State of Illinois."

13 The registration officer shall satisfy himself that each
14 applicant for registration is qualified to register before
15 registering him. If the registration officer has reason to
16 believe that the applicant is a resident of a Soldiers' and
17 Sailors' Home or any facility which is licensed or certified
18 pursuant to the Nursing Home Care Act, the Specialized Mental
19 Health Rehabilitation Act of 2013, or the ID/DD Community Care
20 Act, the following question shall be put, "When you entered the
21 home which is your present address, was it your bona fide
22 intention to become a resident thereof?" Any voter of a
23 township, city, village or incorporated town in which such
24 applicant resides, shall be permitted to be present at the
25 place of any precinct registration and shall have the right to
26 challenge any applicant who applies to be registered.

1 In case the officer is not satisfied that the applicant is
 2 qualified he shall forthwith notify such applicant in writing
 3 to appear before the county clerk to complete his registration.
 4 Upon the card of such applicant shall be written the word
 5 "incomplete" and no such applicant shall be permitted to vote
 6 unless such registration is satisfactorily completed as
 7 hereinafter provided. No registration shall be taken and marked
 8 as incomplete if information to complete it can be furnished on
 9 the date of the original application.

10 Any person claiming to be an elector in any election
 11 precinct and whose registration card is marked "Incomplete" may
 12 make and sign an application in writing, under oath, to the
 13 county clerk in substance in the following form:

14 "I do solemnly swear that I,, did on (insert date)
 15 make application to the board of registry of the precinct
 16 of the township of (or to the county clerk of county)
 17 and that said board or clerk refused to complete my
 18 registration as a qualified voter in said precinct. That I
 19 reside in said precinct, that I intend to reside in said
 20 precinct, and am a duly qualified voter of said precinct and am
 21 entitled to be registered to vote in said precinct at the next
 22 election.

23 (Signature of applicant)"

24 All such applications shall be presented to the county
 25 clerk or to his duly authorized representative by the

1 applicant, in person between the hours of 9:00 a.m. and 5:00
2 p.m. on any day after the days on which the 1969 and 1970
3 precinct re-registrations are held but not on any day within 27
4 days preceding the ensuing general election and thereafter for
5 the registration provided in Section 4-7 all such applications
6 shall be presented to the county clerk or his duly authorized
7 representative by the applicant in person between the hours of
8 9:00 a.m. and 5:00 p.m. on any day prior to 27 days preceding
9 the ensuing general election. Such application shall be heard
10 by the county clerk or his duly authorized representative at
11 the time the application is presented. If the applicant for
12 registration has registered with the county clerk, such
13 application may be presented to and heard by the county clerk
14 or by his duly authorized representative upon the dates
15 specified above or at any time prior thereto designated by the
16 county clerk.

17 Any otherwise qualified person who is absent from his
18 county of residence either due to business of the United States
19 or because he is temporarily outside the territorial limits of
20 the United States may become registered by mailing an
21 application to the county clerk within the periods of
22 registration provided for in this Article, or by simultaneous
23 application for absentee registration and absentee ballot as
24 provided in Article 20 of this Code.

25 Upon receipt of such application the county clerk shall
26 immediately mail an affidavit of registration in duplicate,

1 which affidavit shall contain the following and such other
2 information as the State Board of Elections may think it proper
3 to require for the identification of the applicant:

4 Name. The name of the applicant, giving surname and first
5 or Christian name in full, and the middle name or the initial
6 for such middle name, if any.

7 Sex.

8 Residence. The name and number of the street, avenue or
9 other location of the dwelling, and such additional clear and
10 definite description as may be necessary to determine the exact
11 location of the dwelling of the applicant. Where the location
12 cannot be determined by street and number, then the Section,
13 congressional township and range number may be used, or such
14 other information as may be necessary, including post office
15 mailing address.

16 Electronic mail address, if the registrant has provided
17 this information.

18 Term of residence in the State of Illinois and the
19 precinct.

20 Nativity. The State or country in which the applicant was
21 born.

22 Citizenship. Whether the applicant is native born or
23 naturalized. If naturalized, the court, place and date of
24 naturalization.

25 Age. Date of birth, by month, day and year.

26 Out of State address of

AFFIDAVIT OF REGISTRATION

State of)

)ss

County of)

I hereby swear (or affirm) that I am a citizen of the United States; that on the day of the next election I shall have resided in the State of Illinois and in the election precinct 30 days; that I am fully qualified to vote, that I am not registered to vote anywhere else in the United States, that I intend to remain a resident of the State of Illinois and of the election precinct, that I intend to return to the State of Illinois, and that the above statements are true.

.....

(His or her signature or mark)

Subscribed and sworn to before me, an officer qualified to administer oaths, on (insert date).

.....

Signature of officer administering oath.

Upon receipt of the executed duplicate affidavit of Registration, the county clerk shall transfer the information contained thereon to duplicate Registration Cards provided for in Section 4-8 of this Article and shall attach thereto a copy of each of the duplicate affidavit of registration and thereafter such registration card and affidavit shall constitute the registration of such person the same as if he had applied for registration in person.

1 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
2 eff. 7-13-12; 98-104, eff. 7-22-13; 98-115, eff. 10-1-13;
3 revised 8-9-13.)

4 (10 ILCS 5/5-9) (from Ch. 46, par. 5-9)

5 Sec. 5-9. Except as herein provided, no person shall be
6 registered unless he applies in person to registration officer,
7 answers such relevant questions as may be asked of him by the
8 registration officer, and executes the affidavit of
9 registration. The registration officer shall require the
10 applicant to furnish two forms of identification, and except in
11 the case of a homeless individual, one of which must include
12 his or her residence address. These forms of identification
13 shall include, but not be limited to, any of the following:
14 driver's license, social security card, public aid
15 identification card, utility bill, employee or student
16 identification card, lease or contract for a residence, credit
17 card, or a civic, union or professional association membership
18 card. The registration officer shall require a homeless
19 individual to furnish evidence of his or her use of the mailing
20 address stated. This use may be demonstrated by a piece of mail
21 addressed to that individual and received at that address or by
22 a statement from a person authorizing use of the mailing
23 address. The registration officer shall require each applicant
24 for registration to read or have read to him the affidavit of
25 registration before permitting him to execute the affidavit.

1 One of the Deputy Registrars, the Judge of Registration, or
2 an Officer of Registration, County Clerk, or clerk in the
3 office of the County Clerk, shall administer to all persons who
4 shall personally apply to register the following oath or
5 affirmation:

6 "You do solemnly swear (or affirm) that you will fully and
7 truly answer all such questions as shall be put to you touching
8 your place of residence, name, place of birth, your
9 qualifications as an elector and your right as such to register
10 and vote under the laws of the State of Illinois."

11 The Registration Officer shall satisfy himself that each
12 applicant for registration is qualified to register before
13 registering him. If the registration officer has reason to
14 believe that the applicant is a resident of a Soldiers' and
15 Sailors' Home or any facility which is licensed or certified
16 pursuant to the Nursing Home Care Act, the Specialized Mental
17 Health Rehabilitation Act of 2013, or the ID/DD Community Care
18 Act, the following question shall be put, "When you entered the
19 home which is your present address, was it your bona fide
20 intention to become a resident thereof?" Any voter of a
21 township, city, village or incorporated town in which such
22 applicant resides, shall be permitted to be present at the
23 place of precinct registration, and shall have the right to
24 challenge any applicant who applies to be registered.

25 In case the officer is not satisfied that the applicant is
26 qualified, he shall forthwith in writing notify such applicant

1 to appear before the County Clerk to furnish further proof of
 2 his qualifications. Upon the card of such applicant shall be
 3 written the word "Incomplete" and no such applicant shall be
 4 permitted to vote unless such registration is satisfactorily
 5 completed as hereinafter provided. No registration shall be
 6 taken and marked as "incomplete" if information to complete it
 7 can be furnished on the date of the original application.

8 Any person claiming to be an elector in any election
 9 precinct in such township, city, village or incorporated town
 10 and whose registration is marked "Incomplete" may make and sign
 11 an application in writing, under oath, to the County Clerk in
 12 substance in the following form:

13 "I do solemnly swear that I,, did on (insert
 14 date) make application to the Board of Registry of the
 15 precinct of ward of the City of or of the
 16 District Town of (or to the
 17 County Clerk of) and County; that
 18 said Board or Clerk refused to complete my registration as a
 19 qualified voter in said precinct, that I reside in said
 20 precinct (or that I intend to reside in said precinct), am a
 21 duly qualified voter and entitled to vote in said precinct at
 22 the next election.

23
 24 (Signature of Applicant)"

25 All such applications shall be presented to the County
 26 Clerk by the applicant, in person between the hours of nine

1 o'clock a.m. and five o'clock p.m., on Monday and Tuesday of
2 the third week subsequent to the weeks in which the 1961 and
3 1962 precinct re-registrations are to be held, and thereafter
4 for the registration provided in Section 5-17 of this Article,
5 all such applications shall be presented to the County Clerk by
6 the applicant in person between the hours of nine o'clock a.m.
7 and nine o'clock p.m. on Monday and Tuesday of the third week
8 prior to the date on which such election is to be held.

9 Any otherwise qualified person who is absent from his
10 county of residence either due to business of the United States
11 or because he is temporarily outside the territorial limits of
12 the United States may become registered by mailing an
13 application to the county clerk within the periods of
14 registration provided for in this Article or by simultaneous
15 application for absentee registration and absentee ballot as
16 provided in Article 20 of this Code.

17 Upon receipt of such application the county clerk shall
18 immediately mail an affidavit of registration in duplicate,
19 which affidavit shall contain the following and such other
20 information as the State Board of Elections may think it proper
21 to require for the identification of the applicant:

22 Name. The name of the applicant, giving surname and first
23 or Christian name in full, and the middle name or the initial
24 for such middle name, if any.

25 Sex.

26 Residence. The name and number of the street, avenue or

1 other location of the dwelling, and such additional clear and
 2 definite description as may be necessary to determine the exact
 3 location of the dwelling of the applicant. Where the location
 4 cannot be determined by street and number, then the Section,
 5 congressional township and range number may be used, or such
 6 other information as may be necessary, including post office
 7 mailing address.

8 Electronic mail address, if the registrant has provided
 9 this information.

10 Term of residence in the State of Illinois and the
 11 precinct.

12 Nativity. The State or country in which the applicant was
 13 born.

14 Citizenship. Whether the applicant is native born or
 15 naturalized. If naturalized, the court, place and date of
 16 naturalization.

17 Age. Date of birth, by month, day and year.

18 Out of State address of

19 AFFIDAVIT OF REGISTRATION

20 State of)

21)ss

22 County of)

23 I hereby swear (or affirm) that I am a citizen of the
 24 United States; that on the day of the next election I shall
 25 have resided in the State of Illinois for 6 months and in the
 26 election precinct 30 days; that I am fully qualified to vote,

1 that I am not registered to vote anywhere else in the United
2 States, that I intend to remain a resident of the State of
3 Illinois and of the election precinct, that I intend to return
4 to the State of Illinois, and that the above statements are
5 true.

6

7 (His or her signature or mark)

8 Subscribed and sworn to before me, an officer qualified to
9 administer oaths, on (insert date).

10

11 Signature of officer administering oath.

12 Upon receipt of the executed duplicate affidavit of
13 Registration, the county clerk shall transfer the information
14 contained thereon to duplicate Registration Cards provided for
15 in Section 5-7 of this Article and shall attach thereto a copy
16 of each of the duplicate affidavit of registration and
17 thereafter such registration card and affidavit shall
18 constitute the registration of such person the same as if he
19 had applied for registration in person.

20 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
21 eff. 7-13-12; 98-104, eff. 7-22-13; 98-115, eff. 10-1-13;
22 revised 8-9-13.)

23 (10 ILCS 5/10-4) (from Ch. 46, par. 10-4)

24 Sec. 10-4. Form of petition for nomination. All petitions

1 for nomination under this Article 10 for candidates for public
2 office in this State, shall in addition to other requirements
3 provided by law, be as follows: Such petitions shall consist of
4 sheets of uniform size and each sheet shall contain, above the
5 space for signature, an appropriate heading, giving the
6 information as to name of candidate or candidates in whose
7 behalf such petition is signed; the office; the party; place of
8 residence; and such other information or wording as required to
9 make same valid, and the heading of each sheet shall be the
10 same. Such petition shall be signed by the qualified voters in
11 their own proper persons only, and opposite the signature of
12 each signer his residence address shall be written or printed.
13 The residence address required to be written or printed
14 opposite each qualified primary elector's name shall include
15 the street address or rural route number of the signer, as the
16 case may be, as well as the signer's county, and city, village
17 or town, and state. However, the county or city, village or
18 town, and state of residence of such electors may be printed on
19 the petition forms where all of the ~~such~~ electors signing the
20 petition reside in the same county or city, village or town,
21 and state. Standard abbreviations may be used in writing the
22 residence address, including street number, if any. No
23 signature shall be valid or be counted in considering the
24 validity or sufficiency of such petition unless the
25 requirements of this Section are complied with. At the bottom
26 of each sheet of such petition shall be added a circulator's

1 statement, signed by a person 18 years of age or older who is a
2 citizen of the United States; stating the street address or
3 rural route number, as the case may be, as well as the county,
4 city, village or town, and state; certifying that the
5 signatures on that sheet of the petition were signed in his or
6 her presence; certifying that the signatures are genuine; and
7 either (1) indicating the dates on which that sheet was
8 circulated, or (2) indicating the first and last dates on which
9 the sheet was circulated, or (3) certifying that none of the
10 signatures on the sheet were signed more than 90 days preceding
11 the last day for the filing of the petition; and certifying
12 that to the best of his knowledge and belief the persons so
13 signing were at the time of signing the petition duly
14 registered voters under Articles 4, 5 or 6 of the Code of the
15 political subdivision or district for which the candidate or
16 candidates shall be nominated, and certifying that their
17 respective residences are correctly stated therein. Such
18 statement shall be sworn to before some officer authorized to
19 administer oaths in this State. No petition sheet shall be
20 circulated more than 90 days preceding the last day provided in
21 Section 10-6 for the filing of such petition. Such sheets,
22 before being presented to the electoral board or filed with the
23 proper officer of the electoral district or division of the
24 state or municipality, as the case may be, shall be neatly
25 fastened together in book form, by placing the sheets in a pile
26 and fastening them together at one edge in a secure and

1 suitable manner, and the sheets shall then be numbered
2 consecutively. The sheets shall not be fastened by pasting them
3 together end to end, so as to form a continuous strip or roll.
4 All petition sheets which are filed with the proper local
5 election officials, election authorities or the State Board of
6 Elections shall be the original sheets which have been signed
7 by the voters and by the circulator, and not photocopies or
8 duplicates of such sheets. A petition, when presented or filed,
9 shall not be withdrawn, altered, or added to, and no signature
10 shall be revoked except by revocation in writing presented or
11 filed with the officers or officer with whom the petition is
12 required to be presented or filed, and before the presentment
13 or filing of such petition. Whoever forges any name of a signer
14 upon any petition shall be deemed guilty of a forgery, and on
15 conviction thereof, shall be punished accordingly. The word
16 "petition" or "petition for nomination", as used herein, shall
17 mean what is sometimes known as nomination papers, in
18 distinction to what is known as a certificate of nomination.
19 The words "political division for which the candidate is
20 nominated", or its equivalent, shall mean the largest political
21 division in which all qualified voters may vote upon such
22 candidate or candidates, as the state in the case of state
23 officers; the township in the case of township officers et
24 cetera. Provided, further, that no person shall circulate or
25 certify petitions for candidates of more than one political
26 party, or for an independent candidate or candidates in

1 addition to one political party, to be voted upon at the next
2 primary or general election, or for such candidates and parties
3 with respect to the same political subdivision at the next
4 consolidated election.

5 (Source: P.A. 91-57, eff. 6-30-99; 92-129, eff. 7-20-01;
6 revised 9-4-13.)

7 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

8 Sec. 19-4. Mailing or delivery of ballots; time. ~~ballots~~
9 ~~Time.~~ Immediately upon the receipt of such application either
10 by mail or electronic means, not more than 40 days nor less
11 than 5 days prior to such election, or by personal delivery not
12 more than 40 days nor less than one day prior to such election,
13 at the office of such election authority, it shall be the duty
14 of such election authority to examine the records to ascertain
15 whether or not such applicant is lawfully entitled to vote as
16 requested, including a verification of the applicant's
17 signature by comparison with the signature on the official
18 registration record card, and if found so to be entitled to
19 vote, to post within one business day thereafter the name,
20 street address, ward and precinct number or township and
21 district number, as the case may be, of such applicant given on
22 a list, the pages of which are to be numbered consecutively to
23 be kept by such election authority for such purpose in a
24 conspicuous, open and public place accessible to the public at
25 the entrance of the office of such election authority, and in

1 such a manner that such list may be viewed without necessity of
2 requesting permission therefor. Within one day after posting
3 the name and other information of an applicant for an absentee
4 ballot, the election authority shall transmit by electronic
5 means pursuant to a process established by the State Board of
6 Elections that name and other posted information to the State
7 Board of Elections, which shall maintain those names and other
8 information in an electronic format on its website, arranged by
9 county and accessible to State and local political committees.
10 Within 2 business days after posting a name and other
11 information on the list within its office, the election
12 authority shall mail, postage prepaid, or deliver in person in
13 such office an official ballot or ballots if more than one are
14 to be voted at said election. Mail delivery of Temporarily
15 Absent Student ballot applications pursuant to Section 19-12.3
16 shall be by nonforwardable mail. However, for the consolidated
17 election, absentee ballots for certain precincts may be
18 delivered to applicants not less than 25 days before the
19 election if so much time is required to have prepared and
20 printed the ballots containing the names of persons nominated
21 for offices at the consolidated primary. The election authority
22 shall enclose with each absentee ballot or application written
23 instructions on how voting assistance shall be provided
24 pursuant to Section 17-14 and a document, written and approved
25 by the State Board of Elections, enumerating the circumstances
26 under which a person is authorized to vote by absentee ballot

1 pursuant to this Article; such document shall also include a
2 statement informing the applicant that if he or she falsifies
3 or is solicited by another to falsify his or her eligibility to
4 cast an absentee ballot, such applicant or other is subject to
5 penalties pursuant to Section 29-10 and Section 29-20 of the
6 Election Code. Each election authority shall maintain a list of
7 the name, street address, ward and precinct, or township and
8 district number, as the case may be, of all applicants who have
9 returned absentee ballots to such authority, and the name of
10 such absent voter shall be added to such list within one
11 business day from receipt of such ballot. If the absentee
12 ballot envelope indicates that the voter was assisted in
13 casting the ballot, the name of the person so assisting shall
14 be included on the list. The list, the pages of which are to be
15 numbered consecutively, shall be kept by each election
16 authority in a conspicuous, open, and public place accessible
17 to the public at the entrance of the office of the election
18 authority and in a manner that the list may be viewed without
19 necessity of requesting permission for viewing.

20 Each election authority shall maintain a list for each
21 election of the voters to whom it has issued absentee ballots.
22 The list shall be maintained for each precinct within the
23 jurisdiction of the election authority. Prior to the opening of
24 the polls on election day, the election authority shall deliver
25 to the judges of election in each precinct the list of
26 registered voters in that precinct to whom absentee ballots

1 have been issued by mail.

2 Each election authority shall maintain a list for each
3 election of voters to whom it has issued temporarily absent
4 student ballots. The list shall be maintained for each election
5 jurisdiction within which such voters temporarily abide.
6 Immediately after the close of the period during which
7 application may be made by mail or electronic means for
8 absentee ballots, each election authority shall mail to each
9 other election authority within the State a certified list of
10 all such voters temporarily abiding within the jurisdiction of
11 the other election authority.

12 In the event that the return address of an application for
13 ballot by a physically incapacitated elector is that of a
14 facility licensed or certified under the Nursing Home Care Act,
15 the Specialized Mental Health Rehabilitation Act of 2013, or
16 the ID/DD Community Care Act, within the jurisdiction of the
17 election authority, and the applicant is a registered voter in
18 the precinct in which such facility is located, the ballots
19 shall be prepared and transmitted to a responsible judge of
20 election no later than 9 a.m. on the Saturday, Sunday or Monday
21 immediately preceding the election as designated by the
22 election authority under Section 19-12.2. Such judge shall
23 deliver in person on the designated day the ballot to the
24 applicant on the premises of the facility from which
25 application was made. The election authority shall by mail
26 notify the applicant in such facility that the ballot will be

1 delivered by a judge of election on the designated day.

2 All applications for absentee ballots shall be available at
3 the office of the election authority for public inspection upon
4 request from the time of receipt thereof by the election
5 authority until 30 days after the election, except during the
6 time such applications are kept in the office of the election
7 authority pursuant to Section 19-7, and except during the time
8 such applications are in the possession of the judges of
9 election.

10 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
11 eff. 7-13-12; 98-104, eff. 7-22-13; 98-115, eff. 7-29-13;
12 revised 8-9-13.)

13 (10 ILCS 5/24A-15.1) (from Ch. 46, par. 24A-15.1)

14 Sec. 24A-15.1. Except as herein provided, discovery
15 recounts and election contests shall be conducted as otherwise
16 provided for in "The Election Code", as amended. The automatic
17 tabulating equipment shall be tested prior to the discovery
18 recount or election contest as provided in Section 24A-9, and
19 then the official ballots or ballot cards shall be recounted on
20 the automatic tabulating equipment. In addition, (1) the ballot
21 or ballot cards shall be checked for the presence or absence of
22 judges' initials and other distinguishing marks, and (2) the
23 ballots marked "Rejected", "Defective", "Objected to",
24 "Absentee Ballot", and "Early Ballot" shall be examined to
25 determine the propriety of the ~~such~~ labels, and (3) the

1 "Duplicate Absentee Ballots", "Duplicate Early Ballots",
2 "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots"
3 shall be compared with their respective originals to determine
4 the correctness of the duplicates.

5 Any person who has filed a petition for discovery recount
6 may request that a redundant count be conducted in those
7 precincts in which the discovery recount is being conducted.
8 The additional costs of such a redundant count shall be borne
9 by the requesting party.

10 The log of the computer operator and all materials retained
11 by the election authority in relation to vote tabulation and
12 canvass shall be made available for any discovery recount or
13 election contest.

14 (Source: P.A. 94-645, eff. 8-22-05; revised 9-4-13.)

15 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

16 Sec. 24A-16. The State Board of Elections shall approve all
17 voting systems provided by this Article.

18 No voting system shall be approved unless it fulfills the
19 following requirements:

20 (1) It enables a voter to vote in absolute secrecy;

21 (2) (Blank);

22 (3) It enables a voter to vote a ticket selected in
23 part from the nominees of one party, and in part from the
24 nominees of any or all parties, and in part from
25 independent candidates and in part of candidates whose

1 names are written in by the voter;

2 (4) It enables a voter to vote a written or printed
3 ticket of his own selection for any person for any office
4 for whom he may desire to vote;

5 (5) It will reject all votes for an office or upon a
6 proposition when the voter has cast more votes for such
7 office or upon such proposition than he is entitled to
8 cast;

9 (5.5) It will identify when a voter has not voted for
10 all statewide constitutional offices;

11 (6) It will accommodate all propositions to be
12 submitted to the voters in the form provided by law or,
13 where no such form is provided, then in brief form, not to
14 exceed 75 words; ~~;~~

15 (7) It will accommodate the tabulation programming
16 requirements of Sections 24A-6.2, 24B-6.2, and 24C-6.2.

17 The State Board of Elections shall not approve any voting
18 equipment or system that includes an external Infrared Data
19 Association (IrDA) communications port.

20 The State Board of Elections is authorized to withdraw its
21 approval of a voting system if the system fails to fulfill the
22 above requirements.

23 The vendor, person, or other private entity shall be solely
24 responsible for the production and cost of: all application
25 fees; all ballots; additional temporary workers; and other
26 equipment or facilities needed and used in the testing of the

1 vendor's, person's, or other private entity's respective
2 equipment and software.

3 Any voting system vendor, person, or other private entity
4 seeking the State Board of Elections' approval of a voting
5 system shall, as part of the approval application, submit to
6 the State Board a non-refundable fee. The State Board of
7 Elections by rule shall establish an appropriate fee structure,
8 taking into account the type of voting system approval that is
9 requested (such as approval of a new system, a modification of
10 an existing system, the size of the modification, etc.). No
11 voting system or modification of a voting system shall be
12 approved unless the fee is paid.

13 No vendor, person, or other entity may sell, lease, or
14 loan, or have a written contract, including a contract
15 contingent upon State Board approval of the voting system or
16 voting system component, to sell, lease, or loan, a voting
17 system or voting system component to any election jurisdiction
18 unless the voting system or voting system component is first
19 approved by the State Board of Elections pursuant to this
20 Section.

21 (Source: P.A. 98-115, eff. 7-29-13; revised 9-4-13.)

22 (10 ILCS 5/28-3) (from Ch. 46, par. 28-3)

23 Sec. 28-3. Form of petition for public question. Petitions
24 for the submission of public questions shall consist of sheets
25 of uniform size and each sheet shall contain, above the space

1 for signature, an appropriate heading, giving the information
2 as to the question of public policy to be submitted, and
3 specifying the state at large or the political subdivision or
4 district or precinct or combination of precincts or other
5 territory in which it is to be submitted and, where by law the
6 public question must be submitted at a particular election, the
7 election at which it is to be submitted. In the case of a
8 petition for the submission of a public question described in
9 subsection (b) of Section 28-6, the heading shall also specify
10 the regular election at which the question is to be submitted
11 and include the precincts included in the territory concerning
12 which the public question is to be submitted, as well as a
13 common description of such territory in plain and nonlegal
14 language, such description to describe the territory by
15 reference to streets, natural or artificial landmarks,
16 addresses or any other method which would enable a voter
17 signing the petition to be informed of the territory concerning
18 which the question is to be submitted. The heading of each
19 sheet shall be the same. Such petition shall be signed by the
20 registered voters of the political subdivision or district or
21 precinct or combination of precincts in which the question of
22 public policy is to be submitted in their own proper persons
23 only, and opposite the signature of each signer his residence
24 address shall be written or printed, which residence address
25 shall include the street address or rural route number of the
26 signer, as the case may be, as well as the signer's county, and

1 city, village or town, and state; provided that the county or
2 city, village or town, and state of residence of such electors
3 may be printed on the petition forms where all of the ~~such~~
4 electors signing the petition reside in the same county or
5 city, village or town, and state. Standard abbreviations may be
6 used in writing the residence address, including street number,
7 if any. No signature shall be valid or be counted in
8 considering the validity or sufficiency of such petition unless
9 the requirements of this Section are complied with.

10 At the bottom of each sheet of such petition shall be added
11 a circulator's statement, signed by a person 18 years of age or
12 older who is a citizen of the United States, stating the street
13 address or rural route number, as the case may be, as well as
14 the county, city, village or town, and state; certifying that
15 the signatures on that sheet of the petition were signed in his
16 or her presence and are genuine, and that to the best of his or
17 her knowledge and belief the persons so signing were at the
18 time of signing the petition registered voters of the political
19 subdivision or district or precinct or combination of precincts
20 in which the question of public policy is to be submitted and
21 that their respective residences are correctly stated therein.
22 Such statement shall be sworn to before some officer authorized
23 to administer oaths in this State.

24 Such sheets, before being filed with the proper officer or
25 board shall be bound securely and numbered consecutively. The
26 sheets shall not be fastened by pasting them together end to

1 end, so as to form a continuous strip or roll. All petition
2 sheets which are filed with the proper local election
3 officials, election authorities or the State Board of Elections
4 shall be the original sheets which have been signed by the
5 voters and by the circulator, and not photocopies or duplicates
6 of such sheets. A petition, when presented or filed, shall not
7 be withdrawn, altered, or added to, and no signature shall be
8 revoked except by revocation in writing presented or filed with
9 the board or officer with whom the petition is required to be
10 presented or filed, and before the presentment or filing of
11 such petition, except as may otherwise be provided in another
12 statute which authorize the public question. Whoever forges any
13 name of a signer upon any petition shall be deemed guilty of a
14 forgery, and on conviction thereof, shall be punished
15 accordingly.

16 In addition to the foregoing requirements, a petition
17 proposing an amendment to Article IV of the Constitution
18 pursuant to Section 3 of Article XIV of the Constitution or a
19 petition proposing a question of public policy to be submitted
20 to the voters of the entire State shall be in conformity with
21 the requirements of Section 28-9 of this Article.

22 If multiple sets of petitions for submission of the same
23 public questions are filed, the State Board of Elections,
24 appropriate election authority or local election official
25 where the petitions are filed shall within 2 business days
26 notify the proponent of his or her multiple petition filings

1 and that proponent has 3 business days after receipt of the
2 notice to notify the State Board of Elections, appropriate
3 election authority or local election official that he or she
4 may cancel prior sets of petitions. If the proponent notifies
5 the State Board of Elections, appropriate election authority or
6 local election official, the last set of petitions filed shall
7 be the only petitions to be considered valid by the State Board
8 of Elections, appropriate election authority or local election
9 official. If the proponent fails to notify the State Board of
10 Elections, appropriate election authority or local election
11 official then only the first set of petitions filed shall be
12 valid and all subsequent petitions shall be void.

13 (Source: P.A. 91-57, eff. 6-30-99; 92-129, eff. 7-20-01;
14 revised 9-12-13.)

15 Section 40. The Executive Reorganization Implementation
16 Act is amended by changing Section 5 as follows:

17 (15 ILCS 15/5) (from Ch. 127, par. 1805)

18 Sec. 5. An executive order of the Governor proposing
19 reorganization may not provide for, and a reorganization under
20 this Act may not have the effect of:

21 (a) continuing ~~Continuing~~ any function beyond the period
22 authorized by law for its exercise, or beyond the time when it
23 would have terminated if the reorganization had not been made;

24 (b) authorizing ~~Authorizing~~ any agency to exercise any

1 function which is not expressly authorized by law to be
2 exercised by an agency in the executive branch when the
3 executive order is transmitted to the General Assembly;

4 (c) increasing ~~Increasing~~ the term of any office beyond
5 that provided by law for the office; ~~or~~

6 (d) eliminating any qualifications of or procedures for
7 selecting or appointing any agency or department head or
8 commission or board member; or

9 (e) abolishing ~~Abolishing~~ any agency created by the
10 Illinois Constitution, or transferring to any other agency any
11 function conferred by the Illinois Constitution on an agency
12 created by that Constitution.

13 (Source: P.A. 81-984; revised 9-4-13.)

14 Section 45. The Illinois Identification Card Act is amended
15 by changing Section 4 as follows:

16 (15 ILCS 335/4) (from Ch. 124, par. 24)

17 Sec. 4. Identification Card.

18 (a) The Secretary of State shall issue a standard Illinois
19 Identification Card to any natural person who is a resident of
20 the State of Illinois who applies for such card, or renewal
21 thereof, or who applies for a standard Illinois Identification
22 Card upon release as a committed person on parole, mandatory
23 supervised release, aftercare release, final discharge, or
24 pardon from the Department of Corrections or Department of

1 Juvenile Justice by submitting an identification card issued by
2 the Department of Corrections or Department of Juvenile Justice
3 under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of
4 Corrections, together with the prescribed fees. No
5 identification card shall be issued to any person who holds a
6 valid foreign state identification card, license, or permit
7 unless the person first surrenders to the Secretary of State
8 the valid foreign state identification card, license, or
9 permit. The card shall be prepared and supplied by the
10 Secretary of State and shall include a photograph and signature
11 or mark of the applicant. However, the Secretary of State may
12 provide by rule for the issuance of Illinois Identification
13 Cards without photographs if the applicant has a bona fide
14 religious objection to being photographed or to the display of
15 his or her photograph. The Illinois Identification Card may be
16 used for identification purposes in any lawful situation only
17 by the person to whom it was issued. As used in this Act,
18 "photograph" means any color photograph or digitally produced
19 and captured image of an applicant for an identification card.
20 As used in this Act, "signature" means the name of a person as
21 written by that person and captured in a manner acceptable to
22 the Secretary of State.

23 (a-5) If an applicant for an identification card has a
24 current driver's license or instruction permit issued by the
25 Secretary of State, the Secretary may require the applicant to
26 utilize the same residence address and name on the

1 identification card, driver's license, and instruction permit
2 records maintained by the Secretary. The Secretary may
3 promulgate rules to implement this provision.

4 (a-10) If the applicant is a judicial officer as defined in
5 Section 1-10 of the Judicial Privacy Act or a peace officer,
6 the applicant may elect to have his or her office or work
7 address listed on the card instead of the applicant's residence
8 or mailing address. The Secretary may promulgate rules to
9 implement this provision. For the purposes of this subsection
10 (a-10), "peace officer" means any person who by virtue of his
11 or her office or public employment is vested by law with a duty
12 to maintain public order or to make arrests for a violation of
13 any penal statute of this State, whether that duty extends to
14 all violations or is limited to specific violations.

15 (b) The Secretary of State shall issue a special Illinois
16 Identification Card, which shall be known as an Illinois Person
17 with a Disability Identification Card, to any natural person
18 who is a resident of the State of Illinois, who is a person
19 with a disability as defined in Section 4A of this Act, who
20 applies for such card, or renewal thereof. No Illinois Person
21 with a Disability Identification Card shall be issued to any
22 person who holds a valid foreign state identification card,
23 license, or permit unless the person first surrenders to the
24 Secretary of State the valid foreign state identification card,
25 license, or permit. The Secretary of State shall charge no fee
26 to issue such card. The card shall be prepared and supplied by

1 the Secretary of State, and shall include a photograph and
2 signature or mark of the applicant, a designation indicating
3 that the card is an Illinois Person with a Disability
4 Identification Card, and shall include a comprehensible
5 designation of the type and classification of the applicant's
6 disability as set out in Section 4A of this Act. However, the
7 Secretary of State may provide by rule for the issuance of
8 Illinois Person with a Disability Identification Cards without
9 photographs if the applicant has a bona fide religious
10 objection to being photographed or to the display of his or her
11 photograph. If the applicant so requests, the card shall
12 include a description of the applicant's disability and any
13 information about the applicant's disability or medical
14 history which the Secretary determines would be helpful to the
15 applicant in securing emergency medical care. If a mark is used
16 in lieu of a signature, such mark shall be affixed to the card
17 in the presence of two witnesses who attest to the authenticity
18 of the mark. The Illinois Person with a Disability
19 Identification Card may be used for identification purposes in
20 any lawful situation by the person to whom it was issued.

21 The Illinois Person with a Disability Identification Card
22 may be used as adequate documentation of disability in lieu of
23 a physician's determination of disability, a determination of
24 disability from a physician assistant who has been delegated
25 the authority to make this determination by his or her
26 supervising physician, a determination of disability from an

1 advanced practice nurse who has a written collaborative
2 agreement with a collaborating physician that authorizes the
3 advanced practice nurse to make this determination, or any
4 other documentation of disability whenever any State law
5 requires that a disabled person provide such documentation of
6 disability, however an Illinois Person with a Disability
7 Identification Card shall not qualify the cardholder to
8 participate in any program or to receive any benefit which is
9 not available to all persons with like disabilities.
10 Notwithstanding any other provisions of law, an Illinois Person
11 with a Disability Identification Card, or evidence that the
12 Secretary of State has issued an Illinois Person with a
13 Disability Identification Card, shall not be used by any person
14 other than the person named on such card to prove that the
15 person named on such card is a disabled person or for any other
16 purpose unless the card is used for the benefit of the person
17 named on such card, and the person named on such card consents
18 to such use at the time the card is so used.

19 An optometrist's determination of a visual disability
20 under Section 4A of this Act is acceptable as documentation for
21 the purpose of issuing an Illinois Person with a Disability
22 Identification Card.

23 When medical information is contained on an Illinois Person
24 with a Disability Identification Card, the Office of the
25 Secretary of State shall not be liable for any actions taken
26 based upon that medical information.

1 (c) The Secretary of State shall provide that each original
2 or renewal Illinois Identification Card or Illinois Person with
3 a Disability Identification Card issued to a person under the
4 age of 21 shall be of a distinct nature from those Illinois
5 Identification Cards or Illinois Person with a Disability
6 Identification Cards issued to individuals 21 years of age or
7 older. The color designated for Illinois Identification Cards
8 or Illinois Person with a Disability Identification Cards for
9 persons under the age of 21 shall be at the discretion of the
10 Secretary of State.

11 (c-1) Each original or renewal Illinois Identification
12 Card or Illinois Person with a Disability Identification Card
13 issued to a person under the age of 21 shall display the date
14 upon which the person becomes 18 years of age and the date upon
15 which the person becomes 21 years of age.

16 (c-3) The General Assembly recognizes the need to identify
17 military veterans living in this State for the purpose of
18 ensuring that they receive all of the services and benefits to
19 which they are legally entitled, including healthcare,
20 education assistance, and job placement. To assist the State in
21 identifying these veterans and delivering these vital services
22 and benefits, the Secretary of State is authorized to issue
23 Illinois Identification Cards and Illinois Person with a
24 Disability Identification Cards with the word "veteran"
25 appearing on the face of the cards. This authorization is
26 predicated on the unique status of veterans. The Secretary may

1 not issue any other identification card which identifies an
2 occupation, status, affiliation, hobby, or other unique
3 characteristics of the identification card holder which is
4 unrelated to the purpose of the identification card.

5 (c-5) Beginning on or before July 1, 2015, the Secretary of
6 State shall designate a space on each original or renewal
7 identification card where, at the request of the applicant, the
8 word "veteran" shall be placed. The veteran designation shall
9 be available to a person identified as a veteran under
10 subsection (b) of Section 5 of this Act who was discharged or
11 separated under honorable conditions.

12 (d) The Secretary of State may issue a Senior Citizen
13 discount card, to any natural person who is a resident of the
14 State of Illinois who is 60 years of age or older and who
15 applies for such a card or renewal thereof. The Secretary of
16 State shall charge no fee to issue such card. The card shall be
17 issued in every county and applications shall be made available
18 at, but not limited to, nutrition sites, senior citizen centers
19 and Area Agencies on Aging. The applicant, upon receipt of such
20 card and prior to its use for any purpose, shall have affixed
21 thereon in the space provided therefor his signature or mark.

22 (e) The Secretary of State, in his or her discretion, may
23 designate on each Illinois Identification Card or Illinois
24 Person with a Disability Identification Card a space where the
25 card holder may place a sticker or decal, issued by the
26 Secretary of State, of uniform size as the Secretary may

1 specify, that shall indicate in appropriate language that the
2 card holder has renewed his or her Illinois Identification Card
3 or Illinois Person with a Disability Identification Card.

4 (Source: P.A. 97-371, eff. 1-1-12; 97-739, eff. 1-1-13; 97-847,
5 eff. 1-1-13; 97-1064, eff. 1-1-13; 98-323, eff. 1-1-14; 98-463,
6 eff. 8-16-13; 98-558, eff. 1-1-14; revised 9-4-13.)

7 Section 50. The State Comptroller Act is amended by
8 changing Sections 10 and 10.10 as follows:

9 (15 ILCS 405/10) (from Ch. 15, par. 210)

10 Sec. 10. Warrants; procedure ~~Warrants—Procedure~~. The
11 powers and duties of the Comptroller ~~comptroller~~ as respects
12 warrants are set out in the Sections following this Section and
13 preceding Section 11 ~~Sections 10.01 through 10.15~~.

14 (Source: P.A. 77-2807; revised 9-4-13.)

15 (15 ILCS 405/10.10) (from Ch. 15, par. 210.10)

16 Sec. 10.10. (a) If any Comptroller's warrant is lost,
17 mislaid or destroyed, or becomes void after issuance, so that
18 it cannot be presented for payment by the person entitled
19 thereto, the Comptroller, at any time before that warrant is
20 paid by the State Treasurer, but within 5 years of the date of
21 issuance, may issue a replacement warrant to the person
22 entitled thereto. If the original warrant was not cancelled or
23 did not become void, the Comptroller, before issuing the

1 replacement warrant, shall issue a stop payment order on the
2 State Treasurer and receive a confirmation of the stop payment
3 order on the original warrant from the State Treasurer.

4 (b) Only the person entitled to the original warrant, or
5 his heirs or legal representatives, or a third party to whom it
6 was properly negotiated or the heirs or legal representatives
7 of such party, may request a replacement warrant. In the case
8 of a warrant issued to a payee who dies before the warrant is
9 paid by the State Treasurer and whose estate has been probated
10 pursuant to law, the Comptroller, upon receipt of a certified
11 copy of a judicial order establishing the person or entity
12 entitled to payment, may issue a replacement warrant to such
13 person or entity.

14 (c) Within 12 months from the date of issuance of the
15 original warrant, if the original warrant has not been canceled
16 for redeposit, the Comptroller may issue a replacement warrant
17 on the original voucher drawing upon the same fund and charging
18 the same appropriation or other expenditure authorization as
19 the original warrant.

20 (d) Within 12 months from the date of issuance of the
21 original warrant, if the original warrant has been canceled for
22 redeposit, and if the issuance of the replacement warrant would
23 not over-obligate the appropriation or other expenditure
24 authority against which it is drawn, the Comptroller may issue
25 the replacement warrant. If the original warrant was issued
26 against an appropriation or other expenditure authority which

1 has lapsed, the replacement warrant shall be drawn on the
2 Warrant Escheat Fund. If the appropriation or other
3 obligational authority against which the replacement warrant
4 is drawn has not lapsed, the Comptroller shall notify the
5 originating agency of the request for a replacement warrant and
6 shall receive a replacement voucher from that agency before
7 drawing the replacement warrant, which shall be drawn on the
8 same fund and charged to the same appropriation or other
9 expenditure authority as the original warrant.

10 (e) Within 12 months from the date of issuance of the
11 original warrant, if the original warrant has been canceled for
12 redeposit, the Comptroller may not issue a replacement warrant
13 where such issuance would over-obligate the appropriation or
14 other expenditure authority against which the original warrant
15 was drawn. Whenever the Comptroller is presented with a request
16 for a replacement warrant which may not be issued under the
17 limitation of this subsection, if the appropriation or other
18 expenditure authority against which the original warrant was
19 drawn has not lapsed, the Comptroller shall immediately inform
20 the originating agency of the request and that the request may
21 not be honored because of the resulting over-obligation, and
22 shall request the agency to determine whether or not that
23 agency will take some corrective action before the applicable
24 expenditure authorization lapses. The originating agency shall
25 respond to the Comptroller's inquiry within 5 business days.

26 (f) After 12 months from the date of issuance of the

1 original warrant, if the original warrant has not been
2 cancelled for redeposit, the Comptroller shall issue the
3 replacement warrant on the Warrant Escheat Fund.

4 (f-5) After 5 years from the date of issuance of the
5 original warrant but no later than 10 years after that date,
6 the Comptroller may issue a replacement warrant on the Warrant
7 Escheat Fund to a person or entity entitled thereto, as those
8 persons and entities are described in subsection (b) of this
9 Section, if the following requirements are met:

10 (1) the person or entity verifies that the person or
11 entity is ~~they are~~ entitled to the original warrant;

12 (2) in the case of a warrant that is not presented by
13 the requestor, the paying agency certifies that the
14 original payee is still entitled to the payment; and

15 (3) the Comptroller's records are available and
16 confirm that the warrant was not replaced.

17 (g) Except as provided in this Section, requests for
18 replacement warrants for more than \$500 shall show entitlement
19 to such warrant by including an affidavit, in writing, sworn
20 before a person authorized to administer oaths and
21 affirmations, stating the loss or destruction of the warrant,
22 or the fact that the warrant is void. However, when the written
23 request for a replacement warrant submitted by the person to
24 whom the original warrant was issued is accompanied by the
25 original warrant, no affidavit is required. Requests for
26 replacement warrants for \$500 or less shall show entitlement to

1 such warrant by submitting a written statement of the loss or
2 destruction of the warrant, or the fact that the warrant is
3 void on an application form prescribed by the Comptroller. If
4 the person requesting the replacement is in possession of the
5 original warrant, or any part thereof, the original warrant or
6 the part thereof must accompany the request for replacement.
7 The Comptroller shall then draw such replacement warrant, and
8 the treasurer shall pay the replacement warrant. If at the time
9 of a loss or destruction a warrant was negotiated to a third
10 party, however (which fact shall be ascertained by the oath of
11 the party making the application, or otherwise), before the
12 replacement warrant is drawn by the Comptroller, the person
13 requesting the replacement warrant must give the Comptroller a
14 bond or bonds with sufficient sureties, to be approved by the
15 Comptroller, when required by regulation of the Comptroller,
16 payable to the People of the State of Illinois, for the
17 refunding of the amount, together with all costs and charges,
18 should the State afterwards be compelled to pay the original
19 warrant.

20 (Source: P.A. 98-411, eff. 8-16-13; revised 11-14-13.)

21 Section 55. The Illinois Act on the Aging is amended by
22 changing Section 4.01 as follows:

23 (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

24 Sec. 4.01. Additional powers and duties of the Department.

1 In addition to powers and duties otherwise provided by law, the
2 Department shall have the following powers and duties:

3 (1) To evaluate all programs, services, and facilities for
4 the aged and for minority senior citizens within the State and
5 determine the extent to which present public or private
6 programs, services and facilities meet the needs of the aged.

7 (2) To coordinate and evaluate all programs, services, and
8 facilities for the Aging and for minority senior citizens
9 presently furnished by State agencies and make appropriate
10 recommendations regarding such services, programs and
11 facilities to the Governor and/or the General Assembly.

12 (2-a) To request, receive, and share information
13 electronically through the use of data-sharing agreements for
14 the purpose of (i) establishing and verifying the initial and
15 continuing eligibility of older adults to participate in
16 programs administered by the Department; (ii) maximizing
17 federal financial participation in State assistance
18 expenditures; and (iii) investigating allegations of fraud or
19 other abuse of publicly funded benefits. Notwithstanding any
20 other law to the contrary, but only for the limited purposes
21 identified in the preceding sentence, this paragraph (2-a)
22 expressly authorizes the exchanges of income, identification,
23 and other pertinent eligibility information by and among the
24 Department and the Social Security Administration, the
25 Department of Employment Security, the Department of
26 Healthcare and Family Services, the Department of Human

1 Services, the Department of Revenue, the Secretary of State,
2 the U.S. Department of Veterans Affairs, and any other
3 governmental entity. The confidentiality of information
4 otherwise shall be maintained as required by law. In addition,
5 the Department on Aging shall verify employment information at
6 the request of a community care provider for the purpose of
7 ensuring program integrity under the Community Care Program.

8 (3) To function as the sole State agency to develop a
9 comprehensive plan to meet the needs of the State's senior
10 citizens and the State's minority senior citizens.

11 (4) To receive and disburse State and federal funds made
12 available directly to the Department including those funds made
13 available under the Older Americans Act and the Senior
14 Community Service Employment Program for providing services
15 for senior citizens and minority senior citizens or for
16 purposes related thereto, and shall develop and administer any
17 State Plan for the Aging required by federal law.

18 (5) To solicit, accept, hold, and administer in behalf of
19 the State any grants or legacies of money, securities, or
20 property to the State of Illinois for services to senior
21 citizens and minority senior citizens or purposes related
22 thereto.

23 (6) To provide consultation and assistance to communities,
24 area agencies on aging, and groups developing local services
25 for senior citizens and minority senior citizens.

26 (7) To promote community education regarding the problems

1 of senior citizens and minority senior citizens through
2 institutes, publications, radio, television and the local
3 press.

4 (8) To cooperate with agencies of the federal government in
5 studies and conferences designed to examine the needs of senior
6 citizens and minority senior citizens and to prepare programs
7 and facilities to meet those needs.

8 (9) To establish and maintain information and referral
9 sources throughout the State when not provided by other
10 agencies.

11 (10) To provide the staff support that may reasonably be
12 required by the Council.

13 (11) To make and enforce rules and regulations necessary
14 and proper to the performance of its duties.

15 (12) To establish and fund programs or projects or
16 experimental facilities that are specially designed as
17 alternatives to institutional care.

18 (13) To develop a training program to train the counselors
19 presently employed by the Department's aging network to provide
20 Medicare beneficiaries with counseling and advocacy in
21 Medicare, private health insurance, and related health care
22 coverage plans. The Department shall report to the General
23 Assembly on the implementation of the training program on or
24 before December 1, 1986.

25 (14) To make a grant to an institution of higher learning
26 to study the feasibility of establishing and implementing an

1 affirmative action employment plan for the recruitment,
2 hiring, training and retraining of persons 60 or more years old
3 for jobs for which their employment would not be precluded by
4 law.

5 (15) To present one award annually in each of the
6 categories of community service, education, the performance
7 and graphic arts, and the labor force to outstanding Illinois
8 senior citizens and minority senior citizens in recognition of
9 their individual contributions to either community service,
10 education, the performance and graphic arts, or the labor
11 force. The awards shall be presented to 4 senior citizens and
12 minority senior citizens selected from a list of 44 nominees
13 compiled annually by the Department. Nominations shall be
14 solicited from senior citizens' service providers, area
15 agencies on aging, senior citizens' centers, and senior
16 citizens' organizations. The Department shall establish a
17 central location within the State to be designated as the
18 Senior Illinoisans Hall of Fame for the public display of all
19 the annual awards, or replicas thereof.

20 (16) To establish multipurpose senior centers through area
21 agencies on aging and to fund those new and existing
22 multipurpose senior centers through area agencies on aging, the
23 establishment and funding to begin in such areas of the State
24 as the Department shall designate by rule and as specifically
25 appropriated funds become available.

26 (17) To develop the content and format of the

1 acknowledgment regarding non-recourse reverse mortgage loans
2 under Section 6.1 of the Illinois Banking Act; to provide
3 independent consumer information on reverse mortgages and
4 alternatives; and to refer consumers to independent counseling
5 services with expertise in reverse mortgages.

6 (18) To develop a pamphlet in English and Spanish which may
7 be used by physicians licensed to practice medicine in all of
8 its branches pursuant to the Medical Practice Act of 1987,
9 pharmacists licensed pursuant to the Pharmacy Practice Act, and
10 Illinois residents 65 years of age or older for the purpose of
11 assisting physicians, pharmacists, and patients in monitoring
12 prescriptions provided by various physicians and to aid persons
13 65 years of age or older in complying with directions for
14 proper use of pharmaceutical prescriptions. The pamphlet may
15 provide space for recording information including but not
16 limited to the following:

17 (a) name and telephone number of the patient;

18 (b) name and telephone number of the prescribing
19 physician;

20 (c) date of prescription;

21 (d) name of drug prescribed;

22 (e) directions for patient compliance; and

23 (f) name and telephone number of dispensing pharmacy.

24 In developing the pamphlet, the Department shall consult
25 with the Illinois State Medical Society, the Center for
26 Minority Health Services, the Illinois Pharmacists Association

1 and senior citizens organizations. The Department shall
2 distribute the pamphlets to physicians, pharmacists and
3 persons 65 years of age or older or various senior citizen
4 organizations throughout the State.

5 (19) To conduct a study of the feasibility of implementing
6 the Senior Companion Program throughout the State.

7 (20) The reimbursement rates paid through the community
8 care program for chore housekeeping services and home care
9 aides shall be the same.

10 (21) From funds appropriated to the Department from the
11 Meals on Wheels Fund, a special fund in the State treasury that
12 is hereby created, and in accordance with State and federal
13 guidelines and the intrastate funding formula, to make grants
14 to area agencies on aging, designated by the Department, for
15 the sole purpose of delivering meals to homebound persons 60
16 years of age and older.

17 (22) To distribute, through its area agencies on aging,
18 information alerting seniors on safety issues regarding
19 emergency weather conditions, including extreme heat and cold,
20 flooding, tornadoes, electrical storms, and other severe storm
21 weather. The information shall include all necessary
22 instructions for safety and all emergency telephone numbers of
23 organizations that will provide additional information and
24 assistance.

25 (23) To develop guidelines for the organization and
26 implementation of Volunteer Services Credit Programs to be

1 administered by Area Agencies on Aging or community based
2 senior service organizations. The Department shall hold public
3 hearings on the proposed guidelines for public comment,
4 suggestion, and determination of public interest. The
5 guidelines shall be based on the findings of other states and
6 of community organizations in Illinois that are currently
7 operating volunteer services credit programs or demonstration
8 volunteer services credit programs. The Department shall offer
9 guidelines for all aspects of the programs including, but not
10 limited to, the following:

11 (a) types of services to be offered by volunteers;

12 (b) types of services to be received upon the
13 redemption of service credits;

14 (c) issues of liability for the volunteers and the
15 administering organizations;

16 (d) methods of tracking service credits earned and
17 service credits redeemed;

18 (e) issues of time limits for redemption of service
19 credits;

20 (f) methods of recruitment of volunteers;

21 (g) utilization of community volunteers, community
22 service groups, and other resources for delivering
23 services to be received by service credit program clients;

24 (h) accountability and assurance that services will be
25 available to individuals who have earned service credits;

26 and

1 (i) volunteer screening and qualifications.

2 The Department shall submit a written copy of the guidelines to
3 the General Assembly by July 1, 1998.

4 (24) To function as the sole State agency to receive and
5 disburse State and federal funds for providing adult protective
6 services in a domestic living situation in accordance with the
7 Adult Protective Services Act.

8 (25) ~~(24)~~ To hold conferences, trainings, and other
9 programs for which the Department shall determine by rule a
10 reasonable fee to cover related administrative costs. Rules to
11 implement the fee authority granted by this paragraph (25) ~~(24)~~
12 must be adopted in accordance with all provisions of the
13 Illinois Administrative Procedure Act and all rules and
14 procedures of the Joint Committee on Administrative Rules; any
15 purported rule not so adopted, for whatever reason, is
16 unauthorized.

17 (Source: P.A. 98-8, eff. 5-3-13; 98-49, eff. 7-1-13; 98-380,
18 eff. 8-16-13; revised 9-4-13.)

19 Section 60. The Department of Central Management Services
20 Law of the Civil Administrative Code of Illinois is amended by
21 changing Sections 405-120 and 405-335 as follows:

22 (20 ILCS 405/405-120) (was 20 ILCS 405/67.29)

23 Sec. 405-120. Hispanic, Asian-American, and bilingual
24 employees. The Department shall develop and implement plans to

1 increase the number of Hispanics employed by State government
2 and the number of bilingual persons employed in State
3 government at supervisory, technical, professional, and
4 managerial levels.

5 The Department shall prepare and revise annually a State
6 Hispanic Employment Plan and a State Asian-American Employment
7 Plan in consultation with individuals and organizations
8 informed on these subjects, including the Hispanic Employment
9 Plan Advisory Council and the Asian-American Employment Plan
10 Advisory Council. The Department shall report to the General
11 Assembly by February 1 of each year each State agency's
12 activities in implementing the State Hispanic Employment Plan
13 and the State Asian-American Employment Plan.

14 (Source: P.A. 97-856, eff. 7-27-12; 98-329, eff. 1-1-14;
15 revised 10-8-13.)

16 (20 ILCS 405/405-335)

17 Sec. 405-335. Illinois Transparency and Accountability
18 Portal (ITAP).

19 (a) The Department, within 12 months after the effective
20 date of this amendatory Act of the 96th General Assembly, shall
21 establish and maintain a website, known as the Illinois
22 Transparency and Accountability Portal (ITAP), with a
23 full-time webmaster tasked with compiling and updating the ITAP
24 database with information received from all State agencies as
25 defined in this Section. Subject to appropriation, the

1 full-time webmaster must also compile and update the ITAP
2 database with information received from all counties,
3 townships, library districts, and municipalities.

4 (b) For purposes of this Section:

5 "State agency" means the offices of the constitutional
6 officers identified in Article V of the Illinois Constitution,
7 executive agencies, and departments, boards, commissions, and
8 Authorities under the Governor.

9 "Contracts" means payment obligations with vendors on file
10 with the Office of the Comptroller to purchase goods and
11 services exceeding \$10,000 in value (or, in the case of
12 professional or artistic services, exceeding \$5,000 in value).

13 "Appropriation" means line-item detail of spending
14 approved by the General Assembly and Governor, categorized by
15 object of expenditure.

16 "Individual consultants" means temporary workers eligible
17 to receive State benefits paid on a State payroll.

18 "Recipients" means State agencies receiving
19 appropriations.

20 (c) The ITAP shall provide direct access to each of the
21 following:

22 (1) A database of all current State employees and
23 individual consultants, except sworn law enforcement
24 officers, sorted separately by:

25 (i) Name.

26 (ii) Employing State agency.

1 (iii) Employing State division.

2 (iv) Employment position title.

3 (v) Current pay rate and year-to-date pay.

4 (2) A database of all current State expenditures,
5 sorted separately by agency, category, recipient, and
6 Representative District.

7 (3) A database of all development assistance
8 reportable pursuant to the Corporate Accountability for
9 Tax Expenditures Act, sorted separately by tax credit
10 category, taxpayer, and Representative District.

11 (4) A database of all revocations and suspensions of
12 State occupation and use tax certificates of registration
13 and all revocations and suspensions of State professional
14 licenses, sorted separately by name, geographic location,
15 and certificate of registration number or license number,
16 as applicable. Professional license revocations and
17 suspensions shall be posted only if resulting from a
18 failure to pay taxes, license fees, or child support.

19 (5) A database of all current State contracts, sorted
20 separately by contractor name, awarding officer or agency,
21 contract value, and goods or services provided.

22 (6) A database of all employees hired after the
23 effective date of this amendatory Act of 2010, sorted
24 searchably by each of the following at the time of
25 employment:

26 (i) Name.

- 1 (ii) Employing State agency.
- 2 (iii) Employing State division.
- 3 (iv) Employment position title.
- 4 (v) Current pay rate and year-to-date pay.
- 5 (vi) County of employment location.
- 6 (vii) Rutan status.
- 7 (viii) Status of position as subject to collective
- 8 bargaining, subject to merit compensation, or exempt
- 9 under Section 4d of the Personnel Code.
- 10 (ix) Employment status as probationary, trainee,
- 11 intern, certified, or exempt from certification.
- 12 (x) Status as a military veteran.
- 13 (7) A searchable database of all current county,
- 14 township, library district, and municipal employees sorted
- 15 separately by:
- 16 (i) Employing unit of local government.
- 17 (ii) Employment position title.
- 18 (iii) Current pay rate and year-to-date pay.
- 19 (8) A searchable database of all county, township, and
- 20 municipal employees hired on or after the effective date of
- 21 this amendatory Act of the 97th General Assembly, sorted
- 22 separately by each of the following at the time of
- 23 employment:
- 24 (i) Employing unit of local government.
- 25 (ii) Employment position title.
- 26 (iii) Current pay rate and year-to-date pay.

1 (9) A searchable database of all library district
2 employees hired on or after August 9, 2013 (the effective
3 date of Public Act 98-246) ~~this amendatory Act of the 98th~~
4 ~~General Assembly~~, sorted separately by each of the
5 following at the time of employment:

6 (i) Employing unit of local government.

7 (ii) Employment position title.

8 (iii) Current pay rate and year-to-date pay.

9 (d) The ITAP shall include all information required to be
10 published by subsection (c) of this Section that is available
11 to the Department in a format the Department can compile and
12 publish on the ITAP. The Department shall update the ITAP as
13 additional information becomes available in a format that can
14 be compiled and published on the ITAP by the Department.

15 (e) Each State agency, county, township, library district,
16 and municipality shall cooperate with the Department in
17 furnishing the information necessary for the implementation of
18 this Section within a timeframe specified by the Department.

19 (f) Each county, township, library district, or
20 municipality submitting information to be displayed on the
21 Illinois Transparency and Accountability Portal (ITAP) is
22 responsible for the accuracy of the information provided.

23 (g) The Department, within 6 months after January 1, 2014
24 (the effective date of Public Act 98-283) ~~this amendatory Act~~
25 ~~of the 98th General Assembly~~, shall distribute a spreadsheet or
26 otherwise make data entry available to each State agency to

1 facilitate the collection of data on the State's annual
2 workforce characteristics, workforce compensation, and
3 employee mobility. The Department shall determine the data to
4 be collected by each State agency. Each State agency shall
5 cooperate with the Department in furnishing the data necessary
6 for the implementation of this subsection within the timeframe
7 specified by the Department. The Department shall publish the
8 data received from each State agency on the ITAP or another
9 open data site annually.

10 (Source: P.A. 97-744, eff. 1-1-13; 98-246, eff. 8-9-13; 98-283,
11 eff. 1-1-14; revised 9-4-13.)

12 Section 65. The Children and Family Services Act is amended
13 by changing Section 5 as follows:

14 (20 ILCS 505/5) (from Ch. 23, par. 5005)

15 Sec. 5. Direct child welfare services; Department of
16 Children and Family Services. To provide direct child welfare
17 services when not available through other public or private
18 child care or program facilities.

19 (a) For purposes of this Section:

20 (1) "Children" means persons found within the State who
21 are under the age of 18 years. The term also includes
22 persons under age 21 who:

23 (A) were committed to the Department pursuant to
24 the Juvenile Court Act or the Juvenile Court Act of

1 1987, as amended, prior to the age of 18 and who
2 continue under the jurisdiction of the court; or

3 (B) were accepted for care, service and training by
4 the Department prior to the age of 18 and whose best
5 interest in the discretion of the Department would be
6 served by continuing that care, service and training
7 because of severe emotional disturbances, physical
8 disability, social adjustment or any combination
9 thereof, or because of the need to complete an
10 educational or vocational training program.

11 (2) "Homeless youth" means persons found within the
12 State who are under the age of 19, are not in a safe and
13 stable living situation and cannot be reunited with their
14 families.

15 (3) "Child welfare services" means public social
16 services which are directed toward the accomplishment of
17 the following purposes:

18 (A) protecting and promoting the health, safety
19 and welfare of children, including homeless, dependent
20 or neglected children;

21 (B) remedying, or assisting in the solution of
22 problems which may result in, the neglect, abuse,
23 exploitation or delinquency of children;

24 (C) preventing the unnecessary separation of
25 children from their families by identifying family
26 problems, assisting families in resolving their

1 problems, and preventing the breakup of the family
2 where the prevention of child removal is desirable and
3 possible when the child can be cared for at home
4 without endangering the child's health and safety;

5 (D) restoring to their families children who have
6 been removed, by the provision of services to the child
7 and the families when the child can be cared for at
8 home without endangering the child's health and
9 safety;

10 (E) placing children in suitable adoptive homes,
11 in cases where restoration to the biological family is
12 not safe, possible or appropriate;

13 (F) assuring safe and adequate care of children
14 away from their homes, in cases where the child cannot
15 be returned home or cannot be placed for adoption. At
16 the time of placement, the Department shall consider
17 concurrent planning, as described in subsection (1-1)
18 of this Section so that permanency may occur at the
19 earliest opportunity. Consideration should be given so
20 that if reunification fails or is delayed, the
21 placement made is the best available placement to
22 provide permanency for the child;

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities
26 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age
2 and older, unless a child 18 years of age is in the
3 last year of high school education or vocational
4 training, in an approved individual or group treatment
5 program, in a licensed shelter facility, or secure
6 child care facility. The Department is not required to
7 place or maintain children:

8 (i) who are in a foster home, or

9 (ii) who are persons with a developmental
10 disability, as defined in the Mental Health and
11 Developmental Disabilities Code, or

12 (iii) who are female children who are
13 pregnant, pregnant and parenting or parenting, or

14 (iv) who are siblings, in facilities that
15 provide separate living quarters for children 18
16 years of age and older and for children under 18
17 years of age.

18 (b) Nothing in this Section shall be construed to authorize
19 the expenditure of public funds for the purpose of performing
20 abortions.

21 (c) The Department shall establish and maintain
22 tax-supported child welfare services and extend and seek to
23 improve voluntary services throughout the State, to the end
24 that services and care shall be available on an equal basis
25 throughout the State to children requiring such services.

26 (d) The Director may authorize advance disbursements for

1 any new program initiative to any agency contracting with the
2 Department. As a prerequisite for an advance disbursement, the
3 contractor must post a surety bond in the amount of the advance
4 disbursement and have a purchase of service contract approved
5 by the Department. The Department may pay up to 2 months
6 operational expenses in advance. The amount of the advance
7 disbursement shall be prorated over the life of the contract or
8 the remaining months of the fiscal year, whichever is less, and
9 the installment amount shall then be deducted from future
10 bills. Advance disbursement authorizations for new initiatives
11 shall not be made to any agency after that agency has operated
12 during 2 consecutive fiscal years. The requirements of this
13 Section concerning advance disbursements shall not apply with
14 respect to the following: payments to local public agencies for
15 child day care services as authorized by Section 5a of this
16 Act; and youth service programs receiving grant funds under
17 Section 17a-4.

18 (e) (Blank).

19 (f) (Blank).

20 (g) The Department shall establish rules and regulations
21 concerning its operation of programs designed to meet the goals
22 of child safety and protection, family preservation, family
23 reunification, and adoption, including but not limited to:

24 (1) adoption;

25 (2) foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980; and
- 10 (10) interstate services.

11 Rules and regulations established by the Department shall
12 include provisions for training Department staff and the staff
13 of Department grantees, through contracts with other agencies
14 or resources, in alcohol and drug abuse screening techniques
15 approved by the Department of Human Services, as a successor to
16 the Department of Alcoholism and Substance Abuse, for the
17 purpose of identifying children and adults who should be
18 referred to an alcohol and drug abuse treatment program for
19 professional evaluation.

20 (h) If the Department finds that there is no appropriate
21 program or facility within or available to the Department for a
22 ward and that no licensed private facility has an adequate and
23 appropriate program or none agrees to accept the ward, the
24 Department shall create an appropriate individualized,
25 program-oriented plan for such ward. The plan may be developed
26 within the Department or through purchase of services by the

1 Department to the extent that it is within its statutory
2 authority to do.

3 (i) Service programs shall be available throughout the
4 State and shall include but not be limited to the following
5 services:

6 (1) case management;

7 (2) homemakers;

8 (3) counseling;

9 (4) parent education;

10 (5) day care; and

11 (6) emergency assistance and advocacy.

12 In addition, the following services may be made available
13 to assess and meet the needs of children and families:

14 (1) comprehensive family-based services;

15 (2) assessments;

16 (3) respite care; and

17 (4) in-home health services.

18 The Department shall provide transportation for any of the
19 services it makes available to children or families or for
20 which it refers children or families.

21 (j) The Department may provide categories of financial
22 assistance and education assistance grants, and shall
23 establish rules and regulations concerning the assistance and
24 grants, to persons who adopt physically or mentally
25 handicapped, older and other hard-to-place children who (i)
26 immediately prior to their adoption were legal wards of the

1 Department or (ii) were determined eligible for financial
2 assistance with respect to a prior adoption and who become
3 available for adoption because the prior adoption has been
4 dissolved and the parental rights of the adoptive parents have
5 been terminated or because the child's adoptive parents have
6 died. The Department may continue to provide financial
7 assistance and education assistance grants for a child who was
8 determined eligible for financial assistance under this
9 subsection (j) in the interim period beginning when the child's
10 adoptive parents died and ending with the finalization of the
11 new adoption of the child by another adoptive parent or
12 parents. The Department may also provide categories of
13 financial assistance and education assistance grants, and
14 shall establish rules and regulations for the assistance and
15 grants, to persons appointed guardian of the person under
16 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
17 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
18 who were wards of the Department for 12 months immediately
19 prior to the appointment of the guardian.

20 The amount of assistance may vary, depending upon the needs
21 of the child and the adoptive parents, as set forth in the
22 annual assistance agreement. Special purpose grants are
23 allowed where the child requires special service but such costs
24 may not exceed the amounts which similar services would cost
25 the Department if it were to provide or secure them as guardian
26 of the child.

1 Any financial assistance provided under this subsection is
2 inalienable by assignment, sale, execution, attachment,
3 garnishment, or any other remedy for recovery or collection of
4 a judgment or debt.

5 (j-5) The Department shall not deny or delay the placement
6 of a child for adoption if an approved family is available
7 either outside of the Department region handling the case, or
8 outside of the State of Illinois.

9 (k) The Department shall accept for care and training any
10 child who has been adjudicated neglected or abused, or
11 dependent committed to it pursuant to the Juvenile Court Act or
12 the Juvenile Court Act of 1987.

13 (l) The Department shall offer family preservation
14 services, as defined in Section 8.2 of the Abused and Neglected
15 Child Reporting Act, to help families, including adoptive and
16 extended families. Family preservation services shall be
17 offered (i) to prevent the placement of children in substitute
18 care when the children can be cared for at home or in the
19 custody of the person responsible for the children's welfare,
20 (ii) to reunite children with their families, or (iii) to
21 maintain an adoptive placement. Family preservation services
22 shall only be offered when doing so will not endanger the
23 children's health or safety. With respect to children who are
24 in substitute care pursuant to the Juvenile Court Act of 1987,
25 family preservation services shall not be offered if a goal
26 other than those of subdivisions (A), (B), or (B-1) of

1 subsection (2) of Section 2-28 of that Act has been set.
2 Nothing in this paragraph shall be construed to create a
3 private right of action or claim on the part of any individual
4 or child welfare agency, except that when a child is the
5 subject of an action under Article II of the Juvenile Court Act
6 of 1987 and the child's service plan calls for services to
7 facilitate achievement of the permanency goal, the court
8 hearing the action under Article II of the Juvenile Court Act
9 of 1987 may order the Department to provide the services set
10 out in the plan, if those services are not provided with
11 reasonable promptness and if those services are available.

12 The Department shall notify the child and his family of the
13 Department's responsibility to offer and provide family
14 preservation services as identified in the service plan. The
15 child and his family shall be eligible for services as soon as
16 the report is determined to be "indicated". The Department may
17 offer services to any child or family with respect to whom a
18 report of suspected child abuse or neglect has been filed,
19 prior to concluding its investigation under Section 7.12 of the
20 Abused and Neglected Child Reporting Act. However, the child's
21 or family's willingness to accept services shall not be
22 considered in the investigation. The Department may also
23 provide services to any child or family who is the subject of
24 any report of suspected child abuse or neglect or may refer
25 such child or family to services available from other agencies
26 in the community, even if the report is determined to be

1 unfounded, if the conditions in the child's or family's home
2 are reasonably likely to subject the child or family to future
3 reports of suspected child abuse or neglect. Acceptance of such
4 services shall be voluntary. The Department may also provide
5 services to any child or family after completion of a family
6 assessment, as an alternative to an investigation, as provided
7 under the "differential response program" provided for in
8 subsection (a-5) of Section 7.4 of the Abused and Neglected
9 Child Reporting Act.

10 The Department may, at its discretion except for those
11 children also adjudicated neglected or dependent, accept for
12 care and training any child who has been adjudicated addicted,
13 as a truant minor in need of supervision or as a minor
14 requiring authoritative intervention, under the Juvenile Court
15 Act or the Juvenile Court Act of 1987, but no such child shall
16 be committed to the Department by any court without the
17 approval of the Department. A minor charged with a criminal
18 offense under the Criminal Code of 1961 or the Criminal Code of
19 2012 or adjudicated delinquent shall not be placed in the
20 custody of or committed to the Department by any court, except
21 (i) a minor less than 15 years of age committed to the
22 Department under Section 5-710 of the Juvenile Court Act of
23 1987, (ii) a minor for whom an independent basis of abuse,
24 neglect, or dependency exists, which must be defined by
25 departmental rule, or (iii) a minor for whom the court has
26 granted a supplemental petition to reinstate wardship pursuant

1 to subsection (2) of Section 2-33 of the Juvenile Court Act of
2 1987. An independent basis exists when the allegations or
3 adjudication of abuse, neglect, or dependency do not arise from
4 the same facts, incident, or circumstances which give rise to a
5 charge or adjudication of delinquency.

6 As soon as is possible after August 7, 2009 (the effective
7 date of Public Act 96-134), the Department shall develop and
8 implement a special program of family preservation services to
9 support intact, foster, and adoptive families who are
10 experiencing extreme hardships due to the difficulty and stress
11 of caring for a child who has been diagnosed with a pervasive
12 developmental disorder if the Department determines that those
13 services are necessary to ensure the health and safety of the
14 child. The Department may offer services to any family whether
15 or not a report has been filed under the Abused and Neglected
16 Child Reporting Act. The Department may refer the child or
17 family to services available from other agencies in the
18 community if the conditions in the child's or family's home are
19 reasonably likely to subject the child or family to future
20 reports of suspected child abuse or neglect. Acceptance of
21 these services shall be voluntary. The Department shall develop
22 and implement a public information campaign to alert health and
23 social service providers and the general public about these
24 special family preservation services. The nature and scope of
25 the services offered and the number of families served under
26 the special program implemented under this paragraph shall be

1 determined by the level of funding that the Department annually
2 allocates for this purpose. The term "pervasive developmental
3 disorder" under this paragraph means a neurological condition,
4 including but not limited to, Asperger's Syndrome and autism,
5 as defined in the most recent edition of the Diagnostic and
6 Statistical Manual of Mental Disorders of the American
7 Psychiatric Association.

8 (1-1) The legislature recognizes that the best interests of
9 the child require that the child be placed in the most
10 permanent living arrangement as soon as is practically
11 possible. To achieve this goal, the legislature directs the
12 Department of Children and Family Services to conduct
13 concurrent planning so that permanency may occur at the
14 earliest opportunity. Permanent living arrangements may
15 include prevention of placement of a child outside the home of
16 the family when the child can be cared for at home without
17 endangering the child's health or safety; reunification with
18 the family, when safe and appropriate, if temporary placement
19 is necessary; or movement of the child toward the most
20 permanent living arrangement and permanent legal status.

21 When determining reasonable efforts to be made with respect
22 to a child, as described in this subsection, and in making such
23 reasonable efforts, the child's health and safety shall be the
24 paramount concern.

25 When a child is placed in foster care, the Department shall
26 ensure and document that reasonable efforts were made to

1 prevent or eliminate the need to remove the child from the
2 child's home. The Department must make reasonable efforts to
3 reunify the family when temporary placement of the child occurs
4 unless otherwise required, pursuant to the Juvenile Court Act
5 of 1987. At any time after the dispositional hearing where the
6 Department believes that further reunification services would
7 be ineffective, it may request a finding from the court that
8 reasonable efforts are no longer appropriate. The Department is
9 not required to provide further reunification services after
10 such a finding.

11 A decision to place a child in substitute care shall be
12 made with considerations of the child's health, safety, and
13 best interests. At the time of placement, consideration should
14 also be given so that if reunification fails or is delayed, the
15 placement made is the best available placement to provide
16 permanency for the child.

17 The Department shall adopt rules addressing concurrent
18 planning for reunification and permanency. The Department
19 shall consider the following factors when determining
20 appropriateness of concurrent planning:

21 (1) the likelihood of prompt reunification;

22 (2) the past history of the family;

23 (3) the barriers to reunification being addressed by
24 the family;

25 (4) the level of cooperation of the family;

26 (5) the foster parents' willingness to work with the

1 family to reunite;

2 (6) the willingness and ability of the foster family to
3 provide an adoptive home or long-term placement;

4 (7) the age of the child;

5 (8) placement of siblings.

6 (m) The Department may assume temporary custody of any
7 child if:

8 (1) it has received a written consent to such temporary
9 custody signed by the parents of the child or by the parent
10 having custody of the child if the parents are not living
11 together or by the guardian or custodian of the child if
12 the child is not in the custody of either parent, or

13 (2) the child is found in the State and neither a
14 parent, guardian nor custodian of the child can be located.

15 If the child is found in his or her residence without a parent,
16 guardian, custodian or responsible caretaker, the Department
17 may, instead of removing the child and assuming temporary
18 custody, place an authorized representative of the Department
19 in that residence until such time as a parent, guardian or
20 custodian enters the home and expresses a willingness and
21 apparent ability to ensure the child's health and safety and
22 resume permanent charge of the child, or until a relative
23 enters the home and is willing and able to ensure the child's
24 health and safety and assume charge of the child until a
25 parent, guardian or custodian enters the home and expresses
26 such willingness and ability to ensure the child's safety and

1 resume permanent charge. After a caretaker has remained in the
2 home for a period not to exceed 12 hours, the Department must
3 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
4 5-415 of the Juvenile Court Act of 1987.

5 The Department shall have the authority, responsibilities
6 and duties that a legal custodian of the child would have
7 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
8 Act of 1987. Whenever a child is taken into temporary custody
9 pursuant to an investigation under the Abused and Neglected
10 Child Reporting Act, or pursuant to a referral and acceptance
11 under the Juvenile Court Act of 1987 of a minor in limited
12 custody, the Department, during the period of temporary custody
13 and before the child is brought before a judicial officer as
14 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
15 Court Act of 1987, shall have the authority, responsibilities
16 and duties that a legal custodian of the child would have under
17 subsection (9) of Section 1-3 of the Juvenile Court Act of
18 1987.

19 The Department shall ensure that any child taken into
20 custody is scheduled for an appointment for a medical
21 examination.

22 A parent, guardian or custodian of a child in the temporary
23 custody of the Department who would have custody of the child
24 if he were not in the temporary custody of the Department may
25 deliver to the Department a signed request that the Department
26 surrender the temporary custody of the child. The Department

1 may retain temporary custody of the child for 10 days after the
2 receipt of the request, during which period the Department may
3 cause to be filed a petition pursuant to the Juvenile Court Act
4 of 1987. If a petition is so filed, the Department shall retain
5 temporary custody of the child until the court orders
6 otherwise. If a petition is not filed within the 10 day period,
7 the child shall be surrendered to the custody of the requesting
8 parent, guardian or custodian not later than the expiration of
9 the 10 day period, at which time the authority and duties of
10 the Department with respect to the temporary custody of the
11 child shall terminate.

12 (m-1) The Department may place children under 18 years of
13 age in a secure child care facility licensed by the Department
14 that cares for children who are in need of secure living
15 arrangements for their health, safety, and well-being after a
16 determination is made by the facility director and the Director
17 or the Director's designate prior to admission to the facility
18 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
19 This subsection (m-1) does not apply to a child who is subject
20 to placement in a correctional facility operated pursuant to
21 Section 3-15-2 of the Unified Code of Corrections, unless the
22 child is a ward who was placed under the care of the Department
23 before being subject to placement in a correctional facility
24 and a court of competent jurisdiction has ordered placement of
25 the child in a secure care facility.

26 (n) The Department may place children under 18 years of age

1 in licensed child care facilities when in the opinion of the
2 Department, appropriate services aimed at family preservation
3 have been unsuccessful and cannot ensure the child's health and
4 safety or are unavailable and such placement would be for their
5 best interest. Payment for board, clothing, care, training and
6 supervision of any child placed in a licensed child care
7 facility may be made by the Department, by the parents or
8 guardians of the estates of those children, or by both the
9 Department and the parents or guardians, except that no
10 payments shall be made by the Department for any child placed
11 in a licensed child care facility for board, clothing, care,
12 training and supervision of such a child that exceed the
13 average per capita cost of maintaining and of caring for a
14 child in institutions for dependent or neglected children
15 operated by the Department. However, such restriction on
16 payments does not apply in cases where children require
17 specialized care and treatment for problems of severe emotional
18 disturbance, physical disability, social adjustment, or any
19 combination thereof and suitable facilities for the placement
20 of such children are not available at payment rates within the
21 limitations set forth in this Section. All reimbursements for
22 services delivered shall be absolutely inalienable by
23 assignment, sale, attachment, garnishment or otherwise.

24 (n-1) The Department shall provide or authorize child
25 welfare services, aimed at assisting minors to achieve
26 sustainable self-sufficiency as independent adults, for any

1 minor eligible for the reinstatement of wardship pursuant to
2 subsection (2) of Section 2-33 of the Juvenile Court Act of
3 1987, whether or not such reinstatement is sought or allowed,
4 provided that the minor consents to such services and has not
5 yet attained the age of 21. The Department shall have
6 responsibility for the development and delivery of services
7 under this Section. An eligible youth may access services under
8 this Section through the Department of Children and Family
9 Services or by referral from the Department of Human Services.
10 Youth participating in services under this Section shall
11 cooperate with the assigned case manager in developing an
12 agreement identifying the services to be provided and how the
13 youth will increase skills to achieve self-sufficiency. A
14 homeless shelter is not considered appropriate housing for any
15 youth receiving child welfare services under this Section. The
16 Department shall continue child welfare services under this
17 Section to any eligible minor until the minor becomes 21 years
18 of age, no longer consents to participate, or achieves
19 self-sufficiency as identified in the minor's service plan. The
20 Department of Children and Family Services shall create clear,
21 readable notice of the rights of former foster youth to child
22 welfare services under this Section and how such services may
23 be obtained. The Department of Children and Family Services and
24 the Department of Human Services shall disseminate this
25 information statewide. The Department shall adopt regulations
26 describing services intended to assist minors in achieving

1 sustainable self-sufficiency as independent adults.

2 (o) The Department shall establish an administrative
3 review and appeal process for children and families who request
4 or receive child welfare services from the Department. Children
5 who are wards of the Department and are placed by private child
6 welfare agencies, and foster families with whom those children
7 are placed, shall be afforded the same procedural and appeal
8 rights as children and families in the case of placement by the
9 Department, including the right to an initial review of a
10 private agency decision by that agency. The Department shall
11 insure that any private child welfare agency, which accepts
12 wards of the Department for placement, affords those rights to
13 children and foster families. The Department shall accept for
14 administrative review and an appeal hearing a complaint made by
15 (i) a child or foster family concerning a decision following an
16 initial review by a private child welfare agency or (ii) a
17 prospective adoptive parent who alleges a violation of
18 subsection (j-5) of this Section. An appeal of a decision
19 concerning a change in the placement of a child shall be
20 conducted in an expedited manner. A court determination that a
21 current foster home placement is necessary and appropriate
22 under Section 2-28 of the Juvenile Court Act of 1987 does not
23 constitute a judicial determination on the merits of an
24 administrative appeal, filed by a former foster parent,
25 involving a change of placement decision.

26 (p) There is hereby created the Department of Children and

1 Family Services Emergency Assistance Fund from which the
2 Department may provide special financial assistance to
3 families which are in economic crisis when such assistance is
4 not available through other public or private sources and the
5 assistance is deemed necessary to prevent dissolution of the
6 family unit or to reunite families which have been separated
7 due to child abuse and neglect. The Department shall establish
8 administrative rules specifying the criteria for determining
9 eligibility for and the amount and nature of assistance to be
10 provided. The Department may also enter into written agreements
11 with private and public social service agencies to provide
12 emergency financial services to families referred by the
13 Department. Special financial assistance payments shall be
14 available to a family no more than once during each fiscal year
15 and the total payments to a family may not exceed \$500 during a
16 fiscal year.

17 (q) The Department may receive and use, in their entirety,
18 for the benefit of children any gift, donation or bequest of
19 money or other property which is received on behalf of such
20 children, or any financial benefits to which such children are
21 or may become entitled while under the jurisdiction or care of
22 the Department.

23 The Department shall set up and administer no-cost,
24 interest-bearing accounts in appropriate financial
25 institutions for children for whom the Department is legally
26 responsible and who have been determined eligible for Veterans'

1 Benefits, Social Security benefits, assistance allotments from
2 the armed forces, court ordered payments, parental voluntary
3 payments, Supplemental Security Income, Railroad Retirement
4 payments, Black Lung benefits, or other miscellaneous
5 payments. Interest earned by each account shall be credited to
6 the account, unless disbursed in accordance with this
7 subsection.

8 In disbursing funds from children's accounts, the
9 Department shall:

10 (1) Establish standards in accordance with State and
11 federal laws for disbursing money from children's
12 accounts. In all circumstances, the Department's
13 "Guardianship Administrator" or his or her designee must
14 approve disbursements from children's accounts. The
15 Department shall be responsible for keeping complete
16 records of all disbursements for each account for any
17 purpose.

18 (2) Calculate on a monthly basis the amounts paid from
19 State funds for the child's board and care, medical care
20 not covered under Medicaid, and social services; and
21 utilize funds from the child's account, as covered by
22 regulation, to reimburse those costs. Monthly,
23 disbursements from all children's accounts, up to 1/12 of
24 \$13,000,000, shall be deposited by the Department into the
25 General Revenue Fund and the balance over 1/12 of
26 \$13,000,000 into the DCFS Children's Services Fund.

1 (3) Maintain any balance remaining after reimbursing
2 for the child's costs of care, as specified in item (2).
3 The balance shall accumulate in accordance with relevant
4 State and federal laws and shall be disbursed to the child
5 or his or her guardian, or to the issuing agency.

6 (r) The Department shall promulgate regulations
7 encouraging all adoption agencies to voluntarily forward to the
8 Department or its agent names and addresses of all persons who
9 have applied for and have been approved for adoption of a
10 hard-to-place or handicapped child and the names of such
11 children who have not been placed for adoption. A list of such
12 names and addresses shall be maintained by the Department or
13 its agent, and coded lists which maintain the confidentiality
14 of the person seeking to adopt the child and of the child shall
15 be made available, without charge, to every adoption agency in
16 the State to assist the agencies in placing such children for
17 adoption. The Department may delegate to an agent its duty to
18 maintain and make available such lists. The Department shall
19 ensure that such agent maintains the confidentiality of the
20 person seeking to adopt the child and of the child.

21 (s) The Department of Children and Family Services may
22 establish and implement a program to reimburse Department and
23 private child welfare agency foster parents licensed by the
24 Department of Children and Family Services for damages
25 sustained by the foster parents as a result of the malicious or
26 negligent acts of foster children, as well as providing third

1 party coverage for such foster parents with regard to actions
2 of foster children to other individuals. Such coverage will be
3 secondary to the foster parent liability insurance policy, if
4 applicable. The program shall be funded through appropriations
5 from the General Revenue Fund, specifically designated for such
6 purposes.

7 (t) The Department shall perform home studies and
8 investigations and shall exercise supervision over visitation
9 as ordered by a court pursuant to the Illinois Marriage and
10 Dissolution of Marriage Act or the Adoption Act only if:

11 (1) an order entered by an Illinois court specifically
12 directs the Department to perform such services; and

13 (2) the court has ordered one or both of the parties to
14 the proceeding to reimburse the Department for its
15 reasonable costs for providing such services in accordance
16 with Department rules, or has determined that neither party
17 is financially able to pay.

18 The Department shall provide written notification to the
19 court of the specific arrangements for supervised visitation
20 and projected monthly costs within 60 days of the court order.
21 The Department shall send to the court information related to
22 the costs incurred except in cases where the court has
23 determined the parties are financially unable to pay. The court
24 may order additional periodic reports as appropriate.

25 (u) In addition to other information that must be provided,
26 whenever the Department places a child with a prospective

1 adoptive parent or parents or in a licensed foster home, group
2 home, child care institution, or in a relative home, the
3 Department shall provide to the prospective adoptive parent or
4 parents or other caretaker:

5 (1) available detailed information concerning the
6 child's educational and health history, copies of
7 immunization records (including insurance and medical card
8 information), a history of the child's previous
9 placements, if any, and reasons for placement changes
10 excluding any information that identifies or reveals the
11 location of any previous caretaker;

12 (2) a copy of the child's portion of the client service
13 plan, including any visitation arrangement, and all
14 amendments or revisions to it as related to the child; and

15 (3) information containing details of the child's
16 individualized educational plan when the child is
17 receiving special education services.

18 The caretaker shall be informed of any known social or
19 behavioral information (including, but not limited to,
20 criminal background, fire setting, perpetuation of sexual
21 abuse, destructive behavior, and substance abuse) necessary to
22 care for and safeguard the children to be placed or currently
23 in the home. The Department may prepare a written summary of
24 the information required by this paragraph, which may be
25 provided to the foster or prospective adoptive parent in
26 advance of a placement. The foster or prospective adoptive

1 parent may review the supporting documents in the child's file
2 in the presence of casework staff. In the case of an emergency
3 placement, casework staff shall at least provide known
4 information verbally, if necessary, and must subsequently
5 provide the information in writing as required by this
6 subsection.

7 The information described in this subsection shall be
8 provided in writing. In the case of emergency placements when
9 time does not allow prior review, preparation, and collection
10 of written information, the Department shall provide such
11 information as it becomes available. Within 10 business days
12 after placement, the Department shall obtain from the
13 prospective adoptive parent or parents or other caretaker a
14 signed verification of receipt of the information provided.
15 Within 10 business days after placement, the Department shall
16 provide to the child's guardian ad litem a copy of the
17 information provided to the prospective adoptive parent or
18 parents or other caretaker. The information provided to the
19 prospective adoptive parent or parents or other caretaker shall
20 be reviewed and approved regarding accuracy at the supervisory
21 level.

22 (u-5) Effective July 1, 1995, only foster care placements
23 licensed as foster family homes pursuant to the Child Care Act
24 of 1969 shall be eligible to receive foster care payments from
25 the Department. Relative caregivers who, as of July 1, 1995,
26 were approved pursuant to approved relative placement rules

1 previously promulgated by the Department at 89 Ill. Adm. Code
2 335 and had submitted an application for licensure as a foster
3 family home may continue to receive foster care payments only
4 until the Department determines that they may be licensed as a
5 foster family home or that their application for licensure is
6 denied or until September 30, 1995, whichever occurs first.

7 (v) The Department shall access criminal history record
8 information as defined in the Illinois Uniform Conviction
9 Information Act and information maintained in the adjudicatory
10 and dispositional record system as defined in Section 2605-355
11 of the Department of State Police Law (20 ILCS 2605/2605-355)
12 if the Department determines the information is necessary to
13 perform its duties under the Abused and Neglected Child
14 Reporting Act, the Child Care Act of 1969, and the Children and
15 Family Services Act. The Department shall provide for
16 interactive computerized communication and processing
17 equipment that permits direct on-line communication with the
18 Department of State Police's central criminal history data
19 repository. The Department shall comply with all certification
20 requirements and provide certified operators who have been
21 trained by personnel from the Department of State Police. In
22 addition, one Office of the Inspector General investigator
23 shall have training in the use of the criminal history
24 information access system and have access to the terminal. The
25 Department of Children and Family Services and its employees
26 shall abide by rules and regulations established by the

1 Department of State Police relating to the access and
2 dissemination of this information.

3 (v-1) Prior to final approval for placement of a child, the
4 Department shall conduct a criminal records background check of
5 the prospective foster or adoptive parent, including
6 fingerprint-based checks of national crime information
7 databases. Final approval for placement shall not be granted if
8 the record check reveals a felony conviction for child abuse or
9 neglect, for spousal abuse, for a crime against children, or
10 for a crime involving violence, including rape, sexual assault,
11 or homicide, but not including other physical assault or
12 battery, or if there is a felony conviction for physical
13 assault, battery, or a drug-related offense committed within
14 the past 5 years.

15 (v-2) Prior to final approval for placement of a child, the
16 Department shall check its child abuse and neglect registry for
17 information concerning prospective foster and adoptive
18 parents, and any adult living in the home. If any prospective
19 foster or adoptive parent or other adult living in the home has
20 resided in another state in the preceding 5 years, the
21 Department shall request a check of that other state's child
22 abuse and neglect registry.

23 (w) Within 120 days of August 20, 1995 (the effective date
24 of Public Act 89-392), the Department shall prepare and submit
25 to the Governor and the General Assembly, a written plan for
26 the development of in-state licensed secure child care

1 facilities that care for children who are in need of secure
2 living arrangements for their health, safety, and well-being.
3 For purposes of this subsection, secure care facility shall
4 mean a facility that is designed and operated to ensure that
5 all entrances and exits from the facility, a building or a
6 distinct part of the building, are under the exclusive control
7 of the staff of the facility, whether or not the child has the
8 freedom of movement within the perimeter of the facility,
9 building, or distinct part of the building. The plan shall
10 include descriptions of the types of facilities that are needed
11 in Illinois; the cost of developing these secure care
12 facilities; the estimated number of placements; the potential
13 cost savings resulting from the movement of children currently
14 out-of-state who are projected to be returned to Illinois; the
15 necessary geographic distribution of these facilities in
16 Illinois; and a proposed timetable for development of such
17 facilities.

18 (x) The Department shall conduct annual credit history
19 checks to determine the financial history of children placed
20 under its guardianship pursuant to the Juvenile Court Act of
21 1987. The Department shall conduct such credit checks starting
22 when a ward turns 12 years old and each year thereafter for the
23 duration of the guardianship as terminated pursuant to the
24 Juvenile Court Act of 1987. The Department shall determine if
25 financial exploitation of the child's personal information has
26 occurred. If financial exploitation appears to have taken place

1 or is presently ongoing, the Department shall notify the proper
2 law enforcement agency, the proper State's Attorney, or the
3 Attorney General.

4 (y) Beginning on the effective date of this amendatory Act
5 of the 96th General Assembly, a child with a disability who
6 receives residential and educational services from the
7 Department shall be eligible to receive transition services in
8 accordance with Article 14 of the School Code from the age of
9 14.5 through age 21, inclusive, notwithstanding the child's
10 residential services arrangement. For purposes of this
11 subsection, "child with a disability" means a child with a
12 disability as defined by the federal Individuals with
13 Disabilities Education Improvement Act of 2004.

14 (z) The Department shall access criminal history record
15 information as defined as "background information" in this
16 subsection and criminal history record information as defined
17 in the Illinois Uniform Conviction Information Act for each
18 Department employee or Department applicant. Each Department
19 employee or Department applicant shall submit his or her
20 fingerprints to the Department of State Police in the form and
21 manner prescribed by the Department of State Police. These
22 fingerprints shall be checked against the fingerprint records
23 now and hereafter filed in the Department of State Police and
24 the Federal Bureau of Investigation criminal history records
25 databases. The Department of State Police shall charge a fee
26 for conducting the criminal history record check, which shall

1 be deposited into the State Police Services Fund and shall not
2 exceed the actual cost of the record check. The Department of
3 State Police shall furnish, pursuant to positive
4 identification, all Illinois conviction information to the
5 Department of Children and Family Services.

6 For purposes of this subsection:

7 "Background information" means all of the following:

8 (i) Upon the request of the Department of Children and
9 Family Services, conviction information obtained from the
10 Department of State Police as a result of a
11 fingerprint-based criminal history records check of the
12 Illinois criminal history records database and the Federal
13 Bureau of Investigation criminal history records database
14 concerning a Department employee or Department applicant.

15 (ii) Information obtained by the Department of
16 Children and Family Services after performing a check of
17 the Department of State Police's Sex Offender Database, as
18 authorized by Section 120 of the Sex Offender Community
19 Notification Law, concerning a Department employee or
20 Department applicant.

21 (iii) Information obtained by the Department of
22 Children and Family Services after performing a check of
23 the Child Abuse and Neglect Tracking System (CANTS)
24 operated and maintained by the Department.

25 "Department employee" means a full-time or temporary
26 employee coded or certified within the State of Illinois

1 Personnel System.

2 "Department applicant" means an individual who has
3 conditional Department full-time or part-time work, a
4 contractor, an individual used to replace or supplement staff,
5 an academic intern, a volunteer in Department offices or on
6 Department contracts, a work-study student, an individual or
7 entity licensed by the Department, or an unlicensed service
8 provider who works as a condition of a contract or an agreement
9 and whose work may bring the unlicensed service provider into
10 contact with Department clients or client records.

11 (Source: P.A. 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14;
12 98-570, eff. 8-27-13; revised 9-4-13.)

13 Section 70. The Department of Commerce and Economic
14 Opportunity Law of the Civil Administrative Code of Illinois is
15 amended by changing Sections 605-300 and 605-320 as follows:

16 (20 ILCS 605/605-300) (was 20 ILCS 605/46.2)

17 Sec. 605-300. Economic and business development plans;
18 Illinois Business Development Council.

19 (a) Economic development plans. The Department shall
20 develop a strategic economic development plan for the State by
21 July 1, 2014. By no later than July 1, 2015, and by July 1
22 annually thereafter, the Department shall make modifications
23 to the plan as modifications are warranted by changes in
24 economic conditions or by other factors, including changes in

1 policy. In addition to the annual modification, the plan shall
2 be reviewed and redeveloped in full every 5 years. In the
3 development of the annual economic development plan, the
4 Department shall consult with representatives of the private
5 sector, other State agencies, academic institutions, local
6 economic development organizations, local governments, and
7 not-for-profit organizations. The annual economic development
8 plan shall set specific, measurable, attainable, relevant, and
9 time-sensitive goals and shall include a focus on areas of high
10 unemployment or poverty.

11 The term "economic development" shall be construed broadly
12 by the Department and may include, but is not limited to, job
13 creation, job retention, tax base enhancements, development of
14 human capital, workforce productivity, critical
15 infrastructure, regional competitiveness, social inclusion,
16 standard of living, environmental sustainability, energy
17 independence, quality of life, the effective use of financial
18 incentives, the utilization of public private partnerships
19 where appropriate, and other metrics determined by the
20 Department.

21 The plan shall be based on relevant economic data, focus on
22 economic development as prescribed by this Section, and
23 emphasize strategies to retain and create jobs.

24 The plan shall identify and develop specific strategies for
25 utilizing the assets of regions within the State defined as
26 counties and municipalities or other political subdivisions in

1 close geographical proximity that share common economic traits
2 such as commuting zones, labor market areas, or other
3 economically integrated characteristics.

4 If the plan includes strategies that have a fiscal impact
5 on the Department or any other agency, the plan shall include a
6 detailed description of the estimated fiscal impact of such
7 strategies.

8 Prior to publishing the plan in its final form, the
9 Department shall allow for a reasonable time for public input.

10 The Department shall transmit copies of the economic
11 development plan to the Governor and the General Assembly no
12 later than July 1, 2014, and by July 1 annually thereafter. The
13 plan and its corresponding modifications shall be published and
14 made available to the public in both paper and electronic
15 media, on the Department's website, and by any other method
16 that the Department deems appropriate.

17 The Department shall annually submit legislation to
18 implement the strategic economic development plan or
19 modifications to the strategic economic development plan to the
20 Governor, the President and Minority Leader of the Senate, and
21 the Speaker and the Minority Leader of the House of
22 Representatives. The legislation shall be in the form of one or
23 more substantive bills drafted by the Legislative Reference
24 Bureau.

25 (b) Business development plans; Illinois Business
26 Development Council.

1 (1) There is created the Illinois Business Development
2 Council, hereinafter referred to as the Council. The
3 Council shall consist of the Director, who shall serve as
4 co-chairperson, and 12 voting members who shall be
5 appointed by the Governor with the advice and consent of
6 the Senate.

7 (A) The voting members of the Council shall include
8 one representative from each of the following
9 businesses and groups: small business, coal,
10 healthcare, large manufacturing, small or specialized
11 manufacturing, agriculture, high technology or applied
12 science, local economic development entities, private
13 sector organized labor, a local or state business
14 association or chamber of commerce.

15 (B) There shall be 2 at-large voting members who
16 reside within areas of high unemployment within
17 counties or municipalities that have had an annual
18 average unemployment rate of at least 120% of the
19 State's annual average unemployment rate as reported
20 by the Department of Employment Security for the 5
21 years preceding the date of appointment.

22 (2) All appointments shall be made in a geographically
23 diverse manner.

24 (3) For the initial appointments to the Council, 6
25 voting members shall be appointed to serve a 2-year term
26 and 6 voting members shall be appointed to serve a 4-year

1 term. Thereafter, all appointments shall be for terms of 4
2 years. The initial term of voting members shall commence on
3 the first Wednesday in February 2014. Thereafter, the terms
4 of voting members shall commence on the first Wednesday in
5 February, except in the case of an appointment to fill a
6 vacancy. Vacancies occurring among the members shall be
7 filled in the same manner as the original appointment for
8 the remainder of the unexpired term. For a vacancy
9 occurring when the Senate is not in session, the Governor
10 may make a temporary appointment until the next meeting of
11 the Senate when a person shall be nominated to fill the
12 office, and, upon confirmation by the Senate, he or she
13 shall hold office during the remainder of the term. A
14 vacancy in membership does not impair the ability of a
15 quorum to exercise all rights and perform all duties of the
16 Council. A member is eligible for reappointment.

17 (4) Members shall serve without compensation, but may
18 be reimbursed for necessary expenses incurred in the
19 performance of their duties from funds appropriated for
20 that purpose.

21 (5) In addition, the following shall serve as ex
22 officio, non-voting members of the Council in order to
23 provide specialized advice and support to the Council: the
24 Secretary of Transportation, or his or her designee; the
25 Director of Employment Security, or his or her designee;
26 the Executive Director of the Illinois Finance Authority,

1 or his or her designee; the Director of Agriculture, or his
2 or her designee; the Director of Revenue, or his or her
3 designee; the Director of Labor, or his or her designee;
4 and the Director of the Environmental Protection Agency, or
5 his or her designee. Ex officio ~~Ex officio~~ members shall
6 provide staff and technical assistance to the Council when
7 appropriate.

8 (6) In addition to the Director, the voting members
9 shall elect a co-chairperson.

10 (7) The Council shall meet at least twice annually and
11 at such other times as the co-chairpersons or any 5 voting
12 members consider necessary. Seven voting members shall
13 constitute a quorum of the Council.

14 (8) The Department shall provide staff assistance to
15 the Council.

16 (9) The Council shall provide the Department relevant
17 information in a timely manner pursuant to its duties as
18 enumerated in this Section that can be used by the
19 Department to enhance the State's strategic economic
20 development plan.

21 (10) The Council shall:

22 (A) Develop an overall strategic business
23 development plan for the State of Illinois and update
24 the plan at least annually.

25 (B) Develop business marketing plans for the State
26 of Illinois to effectively solicit new company

1 investment and existing business expansion. Insofar as
2 allowed under the Illinois Procurement Code, and
3 subject to appropriations made by the General Assembly
4 for such purposes, the Council may assist the
5 Department in the procurement of outside vendors to
6 carry out such marketing plans.

7 (C) Seek input from local economic development
8 officials to develop specific strategies to
9 effectively link State and local business development
10 and marketing efforts focusing on areas of high
11 unemployment or poverty.

12 (D) Provide the Department with advice on
13 strategic business development and business marketing
14 for the State of Illinois.

15 (E) Provide the Department research and recommend
16 best practices for developing investment tools for
17 business attraction and retention.

18 (Source: P.A. 98-397, eff. 8-16-13; revised 10-8-13.)

19 (20 ILCS 605/605-320) (was 20 ILCS 605/46.5)

20 Sec. 605-320. Encouragement of existing industries. To
21 encourage the growth and expansion of industries now existing
22 within the State by providing comprehensive business services
23 and promoting interdepartmental cooperation for assistance to
24 industries.

25 As a condition of any financial incentives provided by the

1 Department in the form of (1) tax credits and tax exemptions
2 (other than given under tax increment financing) given as an
3 incentive to a recipient business organization pursuant to an
4 initial certification or an initial designation made by the
5 Department under the Economic Development for a Growing Economy
6 Tax Credit Act, the River Edge Redevelopment Zone Act, and the
7 Illinois Enterprise Zone Act, including the High Impact
8 Business program, (2) grants or loans given to a recipient as
9 an incentive to a business organization pursuant to the River
10 Edge Redevelopment Zone Act, the Large Business Development
11 Program, the Business Development Public Infrastructure
12 Program, or the Industrial Training Program, the Department
13 shall require the recipient of such financial incentives to
14 report at least quarterly the number of jobs to be created or
15 retained, or both created and retained, by the recipient as a
16 result of the financial incentives, including the number of
17 full-time, permanent jobs, the number of part-time jobs, and
18 the number of temporary jobs. Further, the recipient of such
19 financial incentives shall provide the Department at least
20 annually a detailed list of the occupation or job
21 classifications and number of new employees or retained
22 employees to be hired in full-time, permanent jobs, a schedule
23 of anticipated starting dates of the new hires and the actual
24 average wage by occupation or job classification and total
25 payroll to be created as a result of the financial incentives.

26 (Source: P.A. 98-397, eff. 8-16-13; revised 10-8-13.)

1 Section 75. The Lake Michigan Wind Energy Act is amended by
2 changing Section 20 as follows:

3 (20 ILCS 896/20)

4 Sec. 20. Offshore Wind Energy Economic Development Policy
5 Task Force.

6 (a) The Governor shall convene an Offshore Wind Energy
7 Economic Development Policy Task Force, to be chaired by the
8 Director of Commerce and Economic Opportunity, or his or her
9 designee, to analyze and evaluate policy and economic options
10 to facilitate the development of offshore wind energy, and to
11 propose an appropriate Illinois mechanism for purchasing and
12 selling power from possible offshore wind energy projects. The
13 Task Force shall examine mechanisms used in other states and
14 jurisdictions, including, without limitation, feed-in tariffs
15 ~~feed-in tariffs~~, renewable energy certificates, renewable
16 energy certificate carve-outs, power purchase agreements, and
17 pilot projects. The Task Force shall report its findings and
18 recommendations to the Governor and General Assembly by
19 December 31, 2013.

20 (b) The Director of the Illinois Power Agency (or his or
21 her designee), the Executive Director of the Illinois Commerce
22 Commission (or his or her designee), the Director of Natural
23 Resources (or his or her designee), and the Attorney General
24 (or his or her designee) shall serve as ex officio members of

1 the Task Force.

2 (c) The Governor shall appoint the following public members
3 to serve on the Task Force:

4 (1) one individual from an institution of higher
5 education in Illinois representing the discipline of
6 economics with experience in the study of renewable energy;

7 (2) one individual representing an energy industry
8 with experience in renewable energy markets;

9 (3) one individual representing a Statewide consumer
10 or electric ratepayer organization;

11 (4) one individual representing the offshore wind
12 energy industry;

13 (5) one individual representing the wind energy supply
14 chain industry;

15 (6) one individual representing an Illinois electrical
16 cooperative, municipal electrical utility, or association
17 of such cooperatives or utilities;

18 (7) one individual representing an Illinois industrial
19 union involved in the construction, maintenance, or
20 transportation of electrical generation, distribution, or
21 transmission equipment or components;

22 (8) one individual representing an Illinois commercial
23 or industrial electrical consumer;

24 (9) one individual representing an Illinois public
25 education electrical consumer;

26 (10) one individual representing an independent

1 transmission company;

2 (11) one individual from the Illinois legal community
3 with experience in contracts, utility law, municipal law,
4 and constitutional law;

5 (12) one individual representing a Great Lakes
6 regional organization with experience assessing or
7 studying wind energy;

8 (13) one individual representing a Statewide
9 environmental organization;

10 (14) one resident of the State representing an
11 organization advocating for persons of low or limited
12 incomes;

13 (15) one individual representing Argonne National
14 Laboratory; and

15 (16) one individual representing a local community
16 that has aggregated the purchase of electricity.

17 (d) The Governor may appoint additional public members to
18 the Task Force.

19 (e) The Speaker of the House of Representatives, Minority
20 Leader of the House of Representatives, Senate President, and
21 Minority Leader of the Senate shall each appoint one member of
22 the General Assembly to serve on the Task Force.

23 (f) Members of the Task Force shall serve without
24 compensation.

25 (Source: P.A. 98-447, eff. 8-16-13; revised 10-7-13.)

1 Section 80. The Mental Health and Developmental
2 Disabilities Administrative Act is amended by changing Section
3 14 as follows:

4 (20 ILCS 1705/14) (from Ch. 91 1/2, par. 100-14)

5 Sec. 14. Chester Mental Health Center. To maintain and
6 operate a facility for the care, custody, and treatment of
7 persons with mental illness or habilitation of persons with
8 developmental disabilities hereinafter designated, to be known
9 as the Chester Mental Health Center.

10 Within the Chester Mental Health Center there shall be
11 confined the following classes of persons, whose history, in
12 the opinion of the Department, discloses dangerous or violent
13 tendencies and who, upon examination under the direction of the
14 Department, have been found a fit subject for confinement in
15 that facility:

16 (a) Any male person who is charged with the commission
17 of a crime but has been acquitted by reason of insanity as
18 provided in Section 5-2-4 of the Unified Code of
19 Corrections.

20 (b) Any male person who is charged with the commission
21 of a crime but has been found unfit under Article 104 of
22 the Code of Criminal Procedure of 1963.

23 (c) Any male person with mental illness or
24 developmental disabilities or person in need of mental
25 treatment now confined under the supervision of the

1 Department or hereafter admitted to any facility thereof or
2 committed thereto by any court of competent jurisdiction.

3 If and when it shall appear to the facility director of the
4 Chester Mental Health Center that it is necessary to confine
5 persons in order to maintain security or provide for the
6 protection and safety of recipients and staff, the Chester
7 Mental Health Center may confine all persons on a unit to their
8 rooms. This period of confinement shall not exceed 10 hours in
9 a 24 hour period, including the recipient's scheduled hours of
10 sleep, unless approved by the Secretary of the Department.
11 During the period of confinement, the persons confined shall be
12 observed at least every 15 minutes. A record shall be kept of
13 the observations. This confinement shall not be considered
14 seclusion as defined in the Mental Health and Developmental
15 Disabilities Code.

16 The facility director of the Chester Mental Health Center
17 may authorize the temporary use of handcuffs on a recipient for
18 a period not to exceed 10 minutes when necessary in the course
19 of transport of the recipient within the facility to maintain
20 custody or security. Use of handcuffs is subject to the
21 provisions of Section 2-108 of the Mental Health and
22 Developmental Disabilities Code. The facility shall keep a
23 monthly record listing each instance in which handcuffs are
24 used, circumstances indicating the need for use of handcuffs,
25 and time of application of handcuffs and time of release
26 therefrom. The facility director shall allow the Illinois

1 Guardianship and Advocacy Commission, the agency designated by
2 the Governor under Section 1 of the Protection and Advocacy for
3 Developmentally Disabled Persons Act, and the Department to
4 examine and copy such record upon request.

5 The facility director of the Chester Mental Health Center
6 may authorize the temporary use of transport devices on a civil
7 recipient when necessary in the course of transport of the
8 civil recipient outside the facility to maintain custody or
9 security. The decision whether to use any transport devices
10 shall be reviewed and approved on an individualized basis by a
11 physician based upon a determination of the civil recipient's:
12 (1) history of violence, (2) history of violence during
13 transports, (3) history of escapes and escape attempts, (4)
14 history of trauma, (5) history of incidents of restraint or
15 seclusion and use of involuntary medication, (6) current
16 functioning level and medical status, and (7) prior experience
17 during similar transports, and ~~(8)~~ the length, duration, and
18 purpose of the transport. The least restrictive transport
19 device consistent with the individual's need shall be used.
20 Staff transporting the individual shall be trained in the use
21 of the transport devices, recognizing and responding to a
22 person in distress, and shall observe and monitor the
23 individual while being transported. The facility shall keep a
24 monthly record listing all transports, including those
25 transports for which use of transport devices was ~~were~~ not
26 sought, those for which use of transport devices was ~~were~~

1 sought but denied, and each instance in which transport devices
2 are used, circumstances indicating the need for use of
3 transport devices, time of application of transport devices,
4 time of release from those devices, and any adverse events. The
5 facility director shall allow the Illinois Guardianship and
6 Advocacy Commission, the agency designated by the Governor
7 under Section 1 of the Protection and Advocacy for
8 Developmentally Disabled Persons Act, and the Department to
9 examine and copy the record upon request. This use of transport
10 devices shall not be considered restraint as defined in the
11 Mental Health and Developmental Disabilities Code. For the
12 purpose of this Section "transport device" means ankle cuffs,
13 handcuffs, waist chains or wrist-waist devices designed to
14 restrict an individual's range of motion while being
15 transported. These devices must be approved by the Division of
16 Mental Health, used in accordance with the manufacturer's
17 instructions, and used only by qualified staff members who have
18 completed all training required to be eligible to transport
19 patients and all other required training relating to the safe
20 use and application of transport devices, including
21 recognizing and responding to signs of distress in an
22 individual whose movement is being restricted by a transport
23 device.

24 If and when it shall appear to the satisfaction of the
25 Department that any person confined in the Chester Mental
26 Health Center is not or has ceased to be such a source of

1 danger to the public as to require his subjection to the
2 regimen of the center, the Department is hereby authorized to
3 transfer such person to any State facility for treatment of
4 persons with mental illness or habilitation of persons with
5 developmental disabilities, as the nature of the individual
6 case may require.

7 Subject to the provisions of this Section, the Department,
8 except where otherwise provided by law, shall, with respect to
9 the management, conduct and control of the Chester Mental
10 Health Center and the discipline, custody and treatment of the
11 persons confined therein, have and exercise the same rights and
12 powers as are vested by law in the Department with respect to
13 any and all of the State facilities for treatment of persons
14 with mental illness or habilitation of persons with
15 developmental disabilities, and the recipients thereof, and
16 shall be subject to the same duties as are imposed by law upon
17 the Department with respect to such facilities and the
18 recipients thereof.

19 The Department may elect to place persons who have been
20 ordered by the court to be detained under the Sexually Violent
21 Persons Commitment Act in a distinct portion of the Chester
22 Mental Health Center. The persons so placed shall be separated
23 and shall not comingle with the recipients of the Chester
24 Mental Health Center. The portion of Chester Mental Health
25 Center that is used for the persons detained under the Sexually
26 Violent Persons Commitment Act shall not be a part of the

1 mental health facility for the enforcement and implementation
2 of the Mental Health and Developmental Disabilities Code nor
3 shall their care and treatment be subject to the provisions of
4 the Mental Health and Developmental Disabilities Code. The
5 changes added to this Section by this amendatory Act of the
6 98th General Assembly are inoperative on and after June 30,
7 2015.

8 (Source: P.A. 98-79, eff. 7-15-13; 98-356, eff. 8-16-13;
9 revised 9-4-13.)

10 Section 85. The Department of Professional Regulation Law
11 of the Civil Administrative Code of Illinois is amended by
12 changing Section 2105-15 as follows:

13 (20 ILCS 2105/2105-15)

14 Sec. 2105-15. General powers and duties.

15 (a) The Department has, subject to the provisions of the
16 Civil Administrative Code of Illinois, the following powers and
17 duties:

18 (1) To authorize examinations in English to ascertain
19 the qualifications and fitness of applicants to exercise
20 the profession, trade, or occupation for which the
21 examination is held.

22 (2) To prescribe rules and regulations for a fair and
23 wholly impartial method of examination of candidates to
24 exercise the respective professions, trades, or

1 occupations.

2 (3) To pass upon the qualifications of applicants for
3 licenses, certificates, and authorities, whether by
4 examination, by reciprocity, or by endorsement.

5 (4) To prescribe rules and regulations defining, for
6 the respective professions, trades, and occupations, what
7 shall constitute a school, college, or university, or
8 department of a university, or other institution,
9 reputable and in good standing, and to determine the
10 reputability and good standing of a school, college, or
11 university, or department of a university, or other
12 institution, reputable and in good standing, by reference
13 to a compliance with those rules and regulations; provided,
14 that no school, college, or university, or department of a
15 university, or other institution that refuses admittance
16 to applicants solely on account of race, color, creed, sex,
17 or national origin shall be considered reputable and in
18 good standing.

19 (5) To conduct hearings on proceedings to revoke,
20 suspend, refuse to renew, place on probationary status, or
21 take other disciplinary action as authorized in any
22 licensing Act administered by the Department with regard to
23 licenses, certificates, or authorities of persons
24 exercising the respective professions, trades, or
25 occupations and to revoke, suspend, refuse to renew, place
26 on probationary status, or take other disciplinary action

1 as authorized in any licensing Act administered by the
2 Department with regard to those licenses, certificates, or
3 authorities. The Department shall issue a monthly
4 disciplinary report. The Department shall deny any license
5 or renewal authorized by the Civil Administrative Code of
6 Illinois to any person who has defaulted on an educational
7 loan or scholarship provided by or guaranteed by the
8 Illinois Student Assistance Commission or any governmental
9 agency of this State; however, the Department may issue a
10 license or renewal if the aforementioned persons have
11 established a satisfactory repayment record as determined
12 by the Illinois Student Assistance Commission or other
13 appropriate governmental agency of this State.
14 Additionally, beginning June 1, 1996, any license issued by
15 the Department may be suspended or revoked if the
16 Department, after the opportunity for a hearing under the
17 appropriate licensing Act, finds that the licensee has
18 failed to make satisfactory repayment to the Illinois
19 Student Assistance Commission for a delinquent or
20 defaulted loan. For the purposes of this Section,
21 "satisfactory repayment record" shall be defined by rule.
22 The Department shall refuse to issue or renew a license to,
23 or shall suspend or revoke a license of, any person who,
24 after receiving notice, fails to comply with a subpoena or
25 warrant relating to a paternity or child support
26 proceeding. However, the Department may issue a license or

1 renewal upon compliance with the subpoena or warrant.

2 The Department, without further process or hearings,
3 shall revoke, suspend, or deny any license or renewal
4 authorized by the Civil Administrative Code of Illinois to
5 a person who is certified by the Department of Healthcare
6 and Family Services (formerly Illinois Department of
7 Public Aid) as being more than 30 days delinquent in
8 complying with a child support order or who is certified by
9 a court as being in violation of the Non-Support Punishment
10 Act for more than 60 days. The Department may, however,
11 issue a license or renewal if the person has established a
12 satisfactory repayment record as determined by the
13 Department of Healthcare and Family Services (formerly
14 Illinois Department of Public Aid) or if the person is
15 determined by the court to be in compliance with the
16 Non-Support Punishment Act. The Department may implement
17 this paragraph as added by Public Act 89-6 through the use
18 of emergency rules in accordance with Section 5-45 of the
19 Illinois Administrative Procedure Act. For purposes of the
20 Illinois Administrative Procedure Act, the adoption of
21 rules to implement this paragraph shall be considered an
22 emergency and necessary for the public interest, safety,
23 and welfare.

24 (6) To transfer jurisdiction of any realty under the
25 control of the Department to any other department of the
26 State Government or to acquire or accept federal lands when

1 the transfer, acquisition, or acceptance is advantageous
2 to the State and is approved in writing by the Governor.

3 (7) To formulate rules and regulations necessary for
4 the enforcement of any Act administered by the Department.

5 (8) To exchange with the Department of Healthcare and
6 Family Services information that may be necessary for the
7 enforcement of child support orders entered pursuant to the
8 Illinois Public Aid Code, the Illinois Marriage and
9 Dissolution of Marriage Act, the Non-Support of Spouse and
10 Children Act, the Non-Support Punishment Act, the Revised
11 Uniform Reciprocal Enforcement of Support Act, the Uniform
12 Interstate Family Support Act, or the Illinois Parentage
13 Act of 1984. Notwithstanding any provisions in this Code to
14 the contrary, the Department of Professional Regulation
15 shall not be liable under any federal or State law to any
16 person for any disclosure of information to the Department
17 of Healthcare and Family Services (formerly Illinois
18 Department of Public Aid) under this paragraph (8) or for
19 any other action taken in good faith to comply with the
20 requirements of this paragraph (8).

21 (9) To perform other duties prescribed by law.

22 (a-5) Except in cases involving default on an educational
23 loan or scholarship provided by or guaranteed by the Illinois
24 Student Assistance Commission or any governmental agency of
25 this State or in cases involving delinquency in complying with
26 a child support order or violation of the Non-Support

1 Punishment Act, no person or entity whose license, certificate,
2 or authority has been revoked as authorized in any licensing
3 Act administered by the Department may apply for restoration of
4 that license, certification, or authority until 3 years after
5 the effective date of the revocation.

6 (b) The Department may, when a fee is payable to the
7 Department for a wall certificate of registration provided by
8 the Department of Central Management Services, require that
9 portion of the payment for printing and distribution costs be
10 made directly or through the Department to the Department of
11 Central Management Services for deposit into the Paper and
12 Printing Revolving Fund. The remainder shall be deposited into
13 the General Revenue Fund.

14 (c) For the purpose of securing and preparing evidence, and
15 for the purchase of controlled substances, professional
16 services, and equipment necessary for enforcement activities,
17 recoupment of investigative costs, and other activities
18 directed at suppressing the misuse and abuse of controlled
19 substances, including those activities set forth in Sections
20 504 and 508 of the Illinois Controlled Substances Act, the
21 Director and agents appointed and authorized by the Director
22 may expend sums from the Professional Regulation Evidence Fund
23 that the Director deems necessary from the amounts appropriated
24 for that purpose. Those sums may be advanced to the agent when
25 the Director deems that procedure to be in the public interest.
26 Sums for the purchase of controlled substances, professional

1 services, and equipment necessary for enforcement activities
2 and other activities as set forth in this Section shall be
3 advanced to the agent who is to make the purchase from the
4 Professional Regulation Evidence Fund on vouchers signed by the
5 Director. The Director and those agents are authorized to
6 maintain one or more commercial checking accounts with any
7 State banking corporation or corporations organized under or
8 subject to the Illinois Banking Act for the deposit and
9 withdrawal of moneys to be used for the purposes set forth in
10 this Section; provided, that no check may be written nor any
11 withdrawal made from any such account except upon the written
12 signatures of 2 persons designated by the Director to write
13 those checks and make those withdrawals. Vouchers for those
14 expenditures must be signed by the Director. All such
15 expenditures shall be audited by the Director, and the audit
16 shall be submitted to the Department of Central Management
17 Services for approval.

18 (d) Whenever the Department is authorized or required by
19 law to consider some aspect of criminal history record
20 information for the purpose of carrying out its statutory
21 powers and responsibilities, then, upon request and payment of
22 fees in conformance with the requirements of Section 2605-400
23 of the Department of State Police Law (20 ILCS 2605/2605-400),
24 the Department of State Police is authorized to furnish,
25 pursuant to positive identification, the information contained
26 in State files that is necessary to fulfill the request.

1 (e) The provisions of this Section do not apply to private
2 business and vocational schools as defined by Section 15 of the
3 Private Business and Vocational Schools Act of 2012.

4 (f) Beginning July 1, 1995, this Section does not apply to
5 those professions, trades, and occupations licensed under the
6 Real Estate License Act of 2000, nor does it apply to any
7 permits, certificates, or other authorizations to do business
8 provided for in the Land Sales Registration Act of 1989 or the
9 Illinois Real Estate Time-Share Act.

10 (g) Notwithstanding anything that may appear in any
11 individual licensing statute or administrative rule, the
12 Department shall deny any license application or renewal
13 authorized under any licensing Act administered by the
14 Department to any person who has failed to file a return, or to
15 pay the tax, penalty, or interest shown in a filed return, or
16 to pay any final assessment of tax, penalty, or interest, as
17 required by any tax Act administered by the Illinois Department
18 of Revenue, until such time as the requirement of any such tax
19 Act are satisfied; however, the Department may issue a license
20 or renewal if the person has established a satisfactory
21 repayment record as determined by the Illinois Department of
22 Revenue. For the purpose of this Section, "satisfactory
23 repayment record" shall be defined by rule.

24 In addition, a complaint filed with the Department by the
25 Illinois Department of Revenue that includes a certification,
26 signed by its Director or designee, attesting to the amount of

1 the unpaid tax liability or the years for which a return was
2 not filed, or both, is prima facie ~~facia~~ evidence of the
3 licensee's failure to comply with the tax laws administered by
4 the Illinois Department of Revenue. Upon receipt of that
5 certification, the Department shall, without a hearing,
6 immediately suspend all licenses held by the licensee.
7 Enforcement of the Department's order shall be stayed for 60
8 days. The Department shall provide notice of the suspension to
9 the licensee by mailing a copy of the Department's order by
10 certified and regular mail to the licensee's last known address
11 as registered with the Department. The notice shall advise the
12 licensee that the suspension shall be effective 60 days after
13 the issuance of the Department's order unless the Department
14 receives, from the licensee, a request for a hearing before the
15 Department to dispute the matters contained in the order.

16 Any suspension imposed under this subsection (g) shall be
17 terminated by the Department upon notification from the
18 Illinois Department of Revenue that the licensee is in
19 compliance with all tax laws administered by the Illinois
20 Department of Revenue.

21 The Department shall promulgate rules for the
22 administration of this subsection (g).

23 (h) The Department may grant the title "Retired", to be
24 used immediately adjacent to the title of a profession
25 regulated by the Department, to eligible retirees. The use of
26 the title "Retired" shall not constitute representation of

1 current licensure, registration, or certification. Any person
2 without an active license, registration, or certificate in a
3 profession that requires licensure, registration, or
4 certification shall not be permitted to practice that
5 profession.

6 (i) Within 180 days after December 23, 2009 (the effective
7 date of Public Act 96-852), the Department shall promulgate
8 rules which permit a person with a criminal record, who seeks a
9 license or certificate in an occupation for which a criminal
10 record is not expressly a per se bar, to apply to the
11 Department for a non-binding, advisory opinion to be provided
12 by the Board or body with the authority to issue the license or
13 certificate as to whether his or her criminal record would bar
14 the individual from the licensure or certification sought,
15 should the individual meet all other licensure requirements
16 including, but not limited to, the successful completion of the
17 relevant examinations.

18 (Source: P.A. 96-459, eff. 8-14-09; 96-852, eff. 12-23-09;
19 96-1000, eff. 7-2-10; 97-650, eff. 2-1-12; revised 9-9-13.)

20 Section 90. The Department of Public Health Powers and
21 Duties Law of the Civil Administrative Code of Illinois is
22 amended by setting forth, renumbering, and changing multiple
23 versions of Section 2310-665 as follows:

24 (20 ILCS 2310/2310-665)

1 Sec. 2310-665. Educational materials on streptococcal
2 infection. The Department, in conjunction with the Illinois
3 State Board of Education, shall develop educational material on
4 streptococcal infection for distribution in elementary and
5 secondary schools. The material shall include, but not be
6 limited to:

7 (1) a process to notify parents or guardians of an
8 outbreak in the school;

9 (2) a process to provide information on all of the
10 symptoms of streptococcal infection to teachers, parents,
11 and students; and

12 (3) guidelines for schools to control the spread of
13 streptococcal infections.

14 (Source: P.A. 98-236, eff. 8-9-13; revised 9-12-13.)

15 (20 ILCS 2310/2310-670)

16 Sec. 2310-670 ~~2310-665~~. Breast cancer patient education.

17 (a) The General Assembly makes the following findings:

18 (1) Annually, about 207,090 new cases of breast cancer
19 are diagnosed, according to the American Cancer Society.

20 (2) Breast cancer has a disproportionate and
21 detrimental impact on African-American women and is the
22 most common cancer among Hispanic and Latina women.

23 (3) African-American women under the age of 40 have a
24 greater incidence of breast cancer than Caucasian women of
25 the same age.

1 (4) Individuals undergoing surgery for breast cancer
2 should give due consideration to the option of breast
3 reconstructive surgery, either at the same time as the
4 breast cancer surgery or at a later date.

5 (5) According to the American Cancer Society,
6 immediate breast reconstruction offers the advantage of
7 combining the breast cancer surgery with the
8 reconstructive surgery and is cost effective.

9 (6) According to the American Cancer Society, delayed
10 breast reconstruction may be advantageous in women who
11 require post-surgical radiation or other treatments.

12 (7) A woman suffering from the loss of her breast may
13 not be a candidate for surgical breast reconstruction or
14 may choose not to undergo additional surgery and instead
15 choose breast prostheses.

16 (8) The federal Women's Health and Cancer Rights Act of
17 1998 requires health plans that offer breast cancer
18 coverage to also provide for breast reconstruction.

19 (9) Required coverage for breast reconstruction
20 includes all the necessary stages of reconstruction.
21 Surgery of the opposite breast for symmetry may be
22 required. Breast prostheses may be necessary. Other
23 sequelae of breast cancer treatment, such as lymphedema,
24 must be covered.

25 (10) Several states have enacted laws to require that
26 women receive information on their breast cancer treatment

1 and reconstruction options.

2 (b) In this Section:

3 "Hispanic" has the same meaning as in Section 1707 of
4 the federal Public Health Services Act.

5 "Racial and ethnic minority group" has the same meaning
6 as in Section 1707 of the federal Public Health Services
7 Act.

8 (c) The Director shall provide for the planning and
9 implementation of an education campaign to inform breast cancer
10 patients, especially those in racial and ethnic minority
11 groups, anticipating surgery regarding the availability and
12 coverage of breast reconstruction, prostheses, and other
13 options. The campaign shall include the dissemination, at a
14 minimum, on relevant State health Internet websites, including
15 the Department of Public Health's Internet website, of the
16 following information:

17 (1) Breast reconstruction is possible at the time of
18 breast cancer surgery or in a delayed fashion.

19 (2) Prostheses or breast forms may be available.

20 (3) Federal law mandates both public and private health
21 plans to include coverage of breast reconstruction and
22 prostheses.

23 (4) The patient has a right to choose the provider of
24 reconstructive care, including the potential transfer of
25 care to a surgeon that provides breast reconstructive care.

26 (5) The patient may opt to undergo breast

1 reconstruction in a delayed fashion for personal reasons or
2 after completion of all other breast cancer treatments.

3 The campaign may include dissemination of such other
4 information, whether developed by the Director or by other
5 entities, as the Director determines relevant. The campaign
6 shall not specify, or be designed to serve as a tool to limit,
7 the health care providers available to patients.

8 (d) In developing the information to be disseminated under
9 this Section, the Director shall consult with appropriate
10 medical societies and patient advocates related to breast
11 cancer, patient advocates representing racial and ethnic
12 minority groups, with a special emphasis on African-American
13 and Hispanic populations' ~~population's~~ breast reconstructive
14 surgery, and breast prostheses and breast forms.

15 (e) Beginning no later than January 1, 2016 (2 years after
16 the effective date of Public Act 98-479) ~~this amendatory Act of~~
17 ~~the 98th General Assembly~~ and continuing each second year
18 thereafter, the Director shall submit to the General Assembly a
19 report describing the activities carried out under this Section
20 during the preceding 2 fiscal years, including evaluating the
21 extent to which the activities have been effective in improving
22 the health of racial and ethnic minority groups.

23 (Source: P.A. 98-479, eff. 1-1-14; revised 9-12-13.)

24 (20 ILCS 2310/2310-675)

25 (Section scheduled to be repealed on January 1, 2016)

1 Sec. 2310-675 ~~2310-665~~. Hepatitis C Task Force.

2 (a) The General Assembly finds and declares the following:

3 (1) Viral hepatitis is a contagious and
4 life-threatening disease that has a substantial and
5 increasing effect upon the lifespans and quality of life of
6 at least 5,000,000 persons living in the United States and
7 as many as 180,000,000 worldwide. According to the U.S.
8 Department of Health and Human Services (HHS), the chronic
9 form of the hepatitis C virus (HCV) and hepatitis B virus
10 (HBV) account for the vast majority of hepatitis-related
11 mortalities in the U.S., yet as many as 65% to 75% of
12 infected Americans remain unaware that they are infected
13 with the virus, prompting the U.S. Centers for Disease
14 Control and Prevention (CDC) to label these viruses as the
15 silent epidemic. HCV and HBV are major public health
16 problems that cause chronic liver diseases, such as
17 cirrhosis, liver failure, and liver cancer. The 5-year
18 survival rate for primary liver cancer is less than 5%.
19 These viruses are also the leading cause of liver
20 transplantation in the United States. While there is a
21 vaccine for HBV, no vaccine exists for HCV. However, there
22 are anti-viral treatments for HCV that can improve the
23 prognosis or actually clear the virus from the patient's
24 system. Unfortunately, the vast majority of infected
25 patients remain unaware that they have the virus since
26 there are generally no symptoms. Therefore, there is a dire

1 need to aid the public in identifying certain risk factors
2 that would warrant testing for these viruses. Millions of
3 infected patients remain undiagnosed and continue to be at
4 elevated risks for developing more serious complications.
5 More needs to be done to educate the public about this
6 disease and the risk factors that warrant testing. In some
7 cases, infected patients play an unknowing role in further
8 spreading this infectious disease.

9 (2) The existence of HCV was definitively published and
10 discovered by medical researchers in 1989. Prior to this
11 date, HCV is believed to have spread unchecked. The
12 American Association for the Study of Liver Diseases
13 (AASLD) recommends that primary care physicians screen all
14 patients for a history of any viral hepatitis risk factor
15 and test those individuals with at least one identifiable
16 risk factor for the virus. Some of the most common risk
17 factors have been identified by AASLD, HHS, and the U.S.
18 Department of Veterans Affairs, as well as other public
19 health and medical research organizations, and include the
20 following:

21 (A) anyone who has received a blood transfusion
22 prior to 1992;

23 (B) anyone who is a Vietnam-era veteran;

24 (C) anyone who has abnormal liver function tests;

25 (D) anyone infected with the HIV virus;

26 (E) anyone who has used a needle to inject drugs;

1 (F) any health care, emergency medical, or public
2 safety worker who has been stuck by a needle or exposed
3 to any mucosal fluids of an HCV-infected person; and

4 (G) any children born to HCV-infected mothers.

5 A 1994 study determined that Caucasian Americans
6 statistically accounted for the most number of infected
7 persons in the United States, while the highest incidence
8 rates were among African and Hispanic Americans.

9 (3) In January of 2010, the Institute of Medicine
10 (IOM), commissioned by the CDC, issued a comprehensive
11 report entitled *Hepatitis and Liver Cancer: A National*
12 *Strategy for Prevention and Control of Hepatitis B and C.*

13 The key findings and recommendations from the IOM's report
14 are (A) there is a lack of knowledge and awareness about
15 chronic viral hepatitis on the part of health care and
16 social service providers, (B) there is a lack of knowledge
17 and awareness about chronic viral hepatitis among at-risk
18 populations, members of the public, and policy makers, and
19 (C) there is insufficient understanding about the extent
20 and seriousness of the public health problem, so inadequate
21 public resources are being allocated to prevention,
22 control, and surveillance programs.

23 (4) In this same 2010 IOM report, researchers compared
24 the prevalence and incidences of HCV, HBV, and HIV and
25 found that, although there are only 1,100,000 HIV/AIDS
26 infected persons in the United States and over 4,000,000

1 Americans infected with viral hepatitis, the percentage of
2 those with HIV that are unaware they have HIV is only 21%
3 as opposed to approximately 70% of those with viral
4 hepatitis being unaware that they have viral hepatitis. It
5 appears that public awareness of risk factors associated
6 with each of these diseases could be a major factor in the
7 alarming disparity between the percentage of the
8 population that is infected with one of these blood
9 viruses, but unaware that they are infected.

10 (5) In light of the widely varied nature of the risk
11 factors mentioned in this subsection (a), the previous
12 findings by the Institute of Medicine, and the clear
13 evidence of the disproportional public awareness between
14 HIV and viral hepatitis, it is clearly in the public
15 interest for this State to establish a task force to gather
16 testimony and develop an action plan to (A) increase public
17 awareness of the risk factors for these viruses, (B)
18 improve access to screening for these viruses, and (C)
19 provide those infected with information about the
20 prognosis, treatment options, and elevated risk of
21 developing cirrhosis and liver cancer. There is clear and
22 increasing evidence that many adults in Illinois and in the
23 United States have at least one of the risk factors
24 mentioned in this subsection (a).

25 (6) The General Assembly also finds that it is in the
26 public interest to bring communities of Illinois-based

1 veterans of American military service into familiarity
2 with the issues created by this disease, because many
3 veterans, especially Vietnam-era veterans, have at least
4 one of the previously enumerated risk factors and are
5 especially prone to being affected by this disease; and
6 because veterans of American military service should enjoy
7 in all cases, and do enjoy in most cases, adequate access
8 to health care services that include medical management and
9 care for preexisting and long-term medical conditions,
10 such as infection with the hepatitis virus.

11 (b) There is established the Hepatitis C Task Force within
12 the Department of Public Health. The purpose of the Task Force
13 shall be to:

14 (1) develop strategies to identify and address the
15 unmet needs of persons with hepatitis C in order to enhance
16 the quality of life of persons with hepatitis C by
17 maximizing productivity and independence and addressing
18 emotional, social, financial, and vocational challenges of
19 persons with hepatitis C;

20 (2) develop strategies to provide persons with
21 hepatitis C greater access to various treatments and other
22 therapeutic options that may be available; and

23 (3) develop strategies to improve hepatitis C
24 education and awareness.

25 (c) The Task Force shall consist of 17 members as follows:

26 (1) the Director of Public Health, the Director of

1 Veterans' Affairs, and the Director of Human Services, or
2 their designees, who shall serve ex officio;

3 (2) ten public members who shall be appointed by the
4 Director of Public Health from the medical, patient, and
5 service provider communities, including, but not limited
6 to, HCV Support, Inc.; and

7 (3) four members of the General Assembly, appointed one
8 each by the President of the Senate, the Minority Leader of
9 the Senate, the Speaker of the House of Representatives,
10 and the Minority Leader of the House of Representatives.

11 Vacancies in the membership of the Task Force shall be
12 filled in the same manner provided for in the original
13 appointments.

14 (d) The Task Force shall organize within 120 days following
15 the appointment of a majority of its members and shall select a
16 chairperson and vice-chairperson from among the members. The
17 chairperson shall appoint a secretary, who need not be a member
18 of the Task Force.

19 (e) The public members shall serve without compensation and
20 shall not be reimbursed for necessary expenses incurred in the
21 performance of their duties, unless funds become available to
22 the Task Force.

23 (f) The Task Force shall be entitled to call to its
24 assistance and avail itself of the services of the employees of
25 any State, county, or municipal department, board, bureau,
26 commission, or agency as it may require and as may be available

1 to it for its purposes.

2 (g) The Task Force may meet and hold hearings as it deems
3 appropriate.

4 (h) The Department of Public Health shall provide staff
5 support to the Task Force.

6 (i) The Task Force shall report its findings and
7 recommendations to the Governor and to the General Assembly,
8 along with any legislative bills that it desires to recommend
9 for adoption by the General Assembly, no later than December
10 31, 2015.

11 (j) The Task Force is abolished and this Section is
12 repealed on January 1, 2016.

13 (Source: P.A. 98-493, eff. 8-16-13; revised 9-12-13.)

14 (20 ILCS 2310/2310-680)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 2310-680 ~~2310-665~~. Multiple Sclerosis Task Force.

17 (a) The General Assembly finds and declares the following:

18 (1) Multiple sclerosis (MS) is a chronic, often
19 disabling, disease that attacks the central nervous
20 system, which is comprised of the brain, spinal cord, and
21 optic nerves. MS is the number one disabling disease among
22 young adults, striking in the prime of life. It is a
23 disease in which the body, through its immune system,
24 launches a defensive and damaging attack against its own
25 tissues. MS damages the nerve-insulating myelin sheath

1 that surrounds and protects the brain. The damage to the
2 myelin sheath slows down or blocks messages between the
3 brain and the body.

4 (2) Most people experience their first symptoms of MS
5 between the ages of 20 and 40, but MS can appear in young
6 children and teens as well as much older adults. MS
7 symptoms can include visual disturbances, muscle weakness,
8 trouble with coordination and balance, sensations such as
9 numbness, prickling or pins and needles, and thought and
10 memory problems. MS patients can also experience partial or
11 complete paralysis, speech impediments, tremors,
12 dizziness, stiffness and spasms, fatigue, paresthesias,
13 pain, and loss of sensation.

14 (3) The cause of MS remains unknown; however, having a
15 first-degree relative, such as a parent or sibling, with MS
16 significantly increases a person's risk of developing the
17 disease. According to the National Institute of
18 Neurological Disorders and Stroke, it is estimated that
19 there are approximately 250,000 to 350,000 persons in the
20 United States who are diagnosed with MS. This estimate
21 suggests that approximately 200 new cases are diagnosed
22 each week. Other sources report a population of at least
23 400,000 in the United States. The estimate of persons with
24 MS in Illinois is 20,000, with at least 2 areas of MS
25 clusters identified in Illinois.

26 (4) Presently, there is no cure for MS. The complex and

1 variable nature of the disease makes it very difficult to
2 diagnose, treat, and research. The cost to the family,
3 often with young children, can be overwhelming. Among
4 common diagnoses, non-stroke neurologic illnesses, such as
5 multiple sclerosis, were associated with the highest
6 out-of-pocket expenditures (a mean of \$34,167), followed
7 by diabetes (\$26,971), injuries (\$25,096), stroke
8 (\$23,380), mental illnesses (\$23,178), and heart disease
9 (\$21,955). Median out-of-pocket costs for health care
10 among people with MS, excluding insurance premiums, were
11 almost twice as much as the general population. The costs
12 associated with MS increase with greater disability. Costs
13 for severely disabled individuals are more than twice those
14 for persons with a relatively mild form of the disease. A
15 recent study of medical bankruptcy found that 62.1% of all
16 personal bankruptcies in the United States were related to
17 medical costs.

18 (5) Therefore, it is in the public interest for the
19 State to establish a Multiple Sclerosis Task Force in order
20 to identify and address the unmet needs of persons with MS
21 and develop ways to enhance their quality of life.

22 (b) There is established the Multiple Sclerosis Task Force
23 in the Department of Public Health. The purpose of the Task
24 Force shall be to:

25 (1) develop strategies to identify and address the
26 unmet needs of persons with MS in order to enhance the

1 quality of life of persons with MS by maximizing
2 productivity and independence and addressing emotional,
3 social, financial, and vocational challenges of persons
4 with MS;

5 (2) develop strategies to provide persons with MS
6 greater access to various treatments and other therapeutic
7 options that may be available; and

8 (3) develop strategies to improve multiple sclerosis
9 education and awareness.

10 (c) The Task Force shall consist of 16 members as follows:

11 (1) the Director of Public Health and the Director of
12 Human Services, or their designees, who shall serve ex
13 officio; and

14 (2) fourteen public members, who shall be appointed by
15 the Director of Public Health as follows: 2 neurologists
16 licensed to practice medicine in this State; 3 registered
17 nurses or other health professionals with MS certification
18 and extensive expertise with progressed MS; one person upon
19 the recommendation of the National Multiple Sclerosis
20 Society; 3 persons who represent agencies that provide
21 services or support to individuals with MS in this State; 3
22 persons who have MS, at least one of whom having progressed
23 MS; and 2 members of the public with a demonstrated
24 expertise in issues relating to the work of the Task Force.

25 Vacancies in the membership of the Task Force shall be
26 filled in the same manner provided for in the original

1 appointments.

2 (d) The Task Force shall organize within 120 days following
3 the appointment of a majority of its members and shall select a
4 chairperson and vice-chairperson from among the members. The
5 chairperson shall appoint a secretary who need not be a member
6 of the Task Force.

7 (e) The public members shall serve without compensation and
8 shall not be reimbursed for necessary expenses incurred in the
9 performance of their duties unless funds become available to
10 the Task Force.

11 (f) The Task Force may meet and hold hearings as it deems
12 appropriate.

13 (g) The Department of Public Health shall provide staff
14 support to the Task Force.

15 (h) The Task Force shall report its findings and
16 recommendations to the Governor and to the General Assembly,
17 along with any legislative bills that it desires to recommend
18 for adoption by the General Assembly, no later than December
19 31, 2015.

20 (i) The Task Force is abolished and this Section is
21 repealed on January 1, 2016.

22 (Source: P.A. 98-530, eff. 8-23-13; revised 9-12-13.)

23 Section 95. The Disabilities Services Act of 2003 is
24 amended by changing Section 10 as follows:

1 (20 ILCS 2407/10)

2 Sec. 10. Application of Act; definitions.

3 (a) This Act applies to persons with disabilities. The
4 disabilities included are defined for purposes of this Act as
5 follows:

6 "Disability" means a disability as defined by the Americans
7 with Disabilities Act of 1990 that is attributable to a
8 developmental disability, a mental illness, or a physical
9 disability, or combination of those.

10 "Developmental disability" means a disability that is
11 attributable to an intellectual disability or a related
12 condition. A related condition must meet all of the following
13 conditions:

14 (1) It must be attributable to cerebral palsy,
15 epilepsy, or any other condition (other than mental
16 illness) found to be closely related to an intellectual
17 disability because that condition results in impairment of
18 general intellectual functioning or adaptive behavior
19 similar to that of individuals with an intellectual
20 disability, and requires treatment or services similar to
21 those required for those individuals. For purposes of this
22 Section, autism is considered a related condition.

23 (2) It must be manifested before the individual reaches
24 age 22.

25 (3) It must be likely to continue indefinitely.

26 (4) It must result in substantial functional

1 limitations in 3 or more of the following areas of major
2 life activity: self-care, language, learning, mobility,
3 self-direction, and capacity for independent living.

4 "Mental Illness" means a mental or emotional disorder
5 verified by a diagnosis contained in the Diagnostic and
6 Statistical Manual of Mental Disorders-Fourth Edition,
7 published by the American Psychiatric Association (DSM-IV), or
8 its successor, or International Classification of Diseases,
9 9th Revision, Clinical Modification (ICD-9-CM), or its
10 successor, that substantially impairs a person's cognitive,
11 emotional, or behavioral functioning, or any combination of
12 those, excluding (i) conditions that may be the focus of
13 clinical attention but are not of sufficient duration or
14 severity to be categorized as a mental illness, such as
15 parent-child relational problems, partner-relational problems,
16 sexual abuse of a child, bereavement, academic problems,
17 phase-of-life problems, and occupational problems
18 (collectively, "V codes"), (ii) organic disorders such as
19 substance intoxication dementia, substance withdrawal
20 dementia, Alzheimer's disease, vascular dementia, dementia due
21 to HIV infection, and dementia due to Creutzfeldt-Jakob
22 ~~Creutzfeld-Jakob~~ disease and disorders associated with known
23 or unknown physical conditions such as hallucinosis, amnesic
24 disorders and delirium, and psychoactive substance-induced
25 organic disorders, and (iii) an intellectual disability or
26 psychoactive substance use disorders.

1 "Intellectual disability" means significantly sub-average
2 general intellectual functioning existing concurrently with
3 deficits in adaptive behavior and manifested before the age of
4 22 years.

5 "Physical disability" means a disability as defined by the
6 Americans with Disabilities Act of 1990 that meets the
7 following criteria:

8 (1) It is attributable to a physical impairment.

9 (2) It results in a substantial functional limitation
10 in any of the following areas of major life activity: (i)
11 self-care, (ii) receptive and expressive language, (iii)
12 learning, (iv) mobility, (v) self-direction, (vi) capacity
13 for independent living, and (vii) economic sufficiency.

14 (3) It reflects the person's need for a combination and
15 sequence of special, interdisciplinary, or general care,
16 treatment, or other services that are of lifelong or of
17 extended duration and must be individually planned and
18 coordinated.

19 (b) In this Act:

20 "Chronological age-appropriate services" means services,
21 activities, and strategies for persons with disabilities that
22 are representative of the lifestyle activities of nondisabled
23 peers of similar age in the community.

24 "Comprehensive evaluation" means procedures used by
25 qualified professionals selectively with an individual to
26 determine whether a person has a disability and the nature and

1 extent of the services that the person with a disability needs.

2 "Department" means the Department on Aging, the Department
3 of Human Services, the Department of Public Health, the
4 Department of Public Aid (now Department Healthcare and Family
5 Services), the University of Illinois Division of Specialized
6 Care for Children, the Department of Children and Family
7 Services, and the Illinois State Board of Education, where
8 appropriate, as designated in the implementation plan
9 developed under Section 20.

10 "Family" means a natural, adoptive, or foster parent or
11 parents or other person or persons responsible for the care of
12 an individual with a disability in a family setting.

13 "Family or individual support" means those resources and
14 services that are necessary to maintain an individual with a
15 disability within the family home or his or her own home. These
16 services may include, but are not limited to, cash subsidy,
17 respite care, and counseling services.

18 "Independent service coordination" means a social service
19 that enables persons with developmental disabilities and their
20 families to locate, use, and coordinate resources and
21 opportunities in their communities on the basis of individual
22 need. Independent service coordination is independent of
23 providers of services and funding sources and is designed to
24 ensure accessibility, continuity of care, and accountability
25 and to maximize the potential of persons with developmental
26 disabilities for independence, productivity, and integration

1 into the community. Independent service coordination includes,
2 at a minimum: (i) outreach to identify eligible individuals;
3 (ii) assessment and periodic reassessment to determine each
4 individual's strengths, functional limitations, and need for
5 specific services; (iii) participation in the development of a
6 comprehensive individual service or treatment plan; (iv)
7 referral to and linkage with needed services and supports; (v)
8 monitoring to ensure the delivery of appropriate services and
9 to determine individual progress in meeting goals and
10 objectives; and (vi) advocacy to assist the person in obtaining
11 all services for which he or she is eligible or entitled.

12 "Individual service or treatment plan" means a recorded
13 assessment of the needs of a person with a disability, a
14 description of the services recommended, the goals of each type
15 of element of service, an anticipated timetable for the
16 accomplishment of the goals, and a designation of the qualified
17 professionals responsible for the implementation of the plan.

18 "Least restrictive environment" means an environment that
19 represents the least departure from the normal patterns of
20 living and that effectively meets the needs of the person
21 receiving the service.

22 (Source: P.A. 97-227, eff. 1-1-12; revised 9-4-13.)

23 Section 100. The Department of State Police Law of the
24 Civil Administrative Code of Illinois is amended by setting
25 forth and renumbering multiple versions of Section 2605-595 as

1 follows:

2 (20 ILCS 2605/2605-595)

3 Sec. 2605-595. State Police Firearm Services Fund.

4 (a) There is created in the State treasury a special fund
5 known as the State Police Firearm Services Fund. The Fund shall
6 receive revenue under the Firearm Concealed Carry Act and
7 Section 5 of the Firearm Owners Identification Card Act. The
8 Fund may also receive revenue from grants, pass-through grants,
9 donations, appropriations, and any other legal source.

10 (b) The Department of State Police may use moneys in the
11 Fund to finance any of its lawful purposes, mandates,
12 functions, and duties under the Firearm Owners Identification
13 Card Act and the Firearm Concealed Carry Act, including the
14 cost of sending notices of expiration of Firearm Owner's
15 Identification Cards, concealed carry licenses, the prompt and
16 efficient processing of applications under the Firearm Owners
17 Identification Card Act and the Firearm Concealed Carry Act,
18 the improved efficiency and reporting of the LEADS and federal
19 NICS law enforcement data systems, and support for
20 investigations required under these Acts and law. Any surplus
21 funds beyond what is needed to comply with the aforementioned
22 purposes shall be used by the Department to improve the Law
23 Enforcement Agencies Data System (LEADS) and criminal history
24 background check system.

25 (c) Investment income that is attributable to the

1 investment of moneys in the Fund shall be retained in the Fund
2 for the uses specified in this Section.

3 (Source: P.A. 98-63, eff. 7-9-13.)

4 (20 ILCS 2605/2605-600)

5 Sec. 2605-600 ~~2605-595~~. Crimes Against Police Officers
6 Advisory.

7 (a) For purposes of this Section:

8 "Attempt" has the meaning ascribed to that term in
9 Section 8-4 of the Criminal Code of 2012.

10 "Concealment of homicidal death" has the meaning
11 ascribed to that term in Section 9-3.4 of the Criminal Code
12 of 2012.

13 "First degree murder" has the meaning ascribed to that
14 term in Section 9-1 of the Criminal Code of 2012.

15 "Involuntary manslaughter" and "reckless homicide"
16 have the meanings ascribed to those terms in Section 9-3 of
17 the Criminal Code of 2012.

18 "Second degree murder" has the meaning ascribed to that
19 term in Section 9-2 of the Criminal Code of 2012.

20 (b) A coordinated program known as the Crimes Against
21 Police Officers Advisory is established within the Department
22 of State Police. The purpose of the Crimes Against Police
23 Officers Advisory is to provide a regional system for the rapid
24 dissemination of information regarding a person who is
25 suspected of committing or attempting to commit any of the

1 offenses described in subsection (c).

2 (c) The Department of State Police shall develop an
3 advisory to assist law enforcement agencies when the commission
4 or attempted commission of the following offenses against a
5 peace officer occur:

- 6 (1) first degree murder;
- 7 (2) second degree murder;
- 8 (3) involuntary manslaughter;
- 9 (4) reckless homicide; and
- 10 (5) concealment of homicidal death.

11 (d) Law enforcement agencies participating in the advisory
12 may request assistance when:

- 13 (1) the agency believes that a suspect has not been
14 apprehended;
- 15 (2) the agency believes that the suspect may be a
16 serious threat to the public; and
- 17 (3) sufficient information is available to disseminate
18 to the public that could assist in locating the suspect.

19 (e) The Department of State Police shall reserve the
20 authority to determine if dissemination of the information will
21 pose a significant risk to the public or jeopardize the
22 investigation.

23 (f) The Department of State Police may partner with media
24 and may request a media broadcast concerning details of the
25 suspect in order to obtain the public's assistance in locating
26 the suspect or vehicle used in the offense, or both.

1 (Source: P.A. 98-263, eff. 1-1-14; revised 10-17-13.)

2 Section 105. The Criminal Identification Act is amended by
3 changing Sections 4 and 5.2 as follows:

4 (20 ILCS 2630/4) (from Ch. 38, par. 206-4)

5 Sec. 4. The Department may use the following systems of
6 identification: the Bertillon ~~The Bertillion~~ system, the
7 finger print system, and any system of measurement or
8 identification that may be adopted by law or rule in the
9 various penal institutions or bureaus of identification
10 wherever located.

11 The Department shall make a record consisting of duplicates
12 of all measurements, processes, operations, signalletic cards,
13 plates, photographs, outline pictures, measurements,
14 descriptions of and data relating to all persons confined in
15 penal institutions wherever located, so far as the same are
16 obtainable, in accordance with whatever system or systems may
17 be found most efficient and practical.

18 (Source: Laws 1957, p. 1422; revised 9-4-13.)

19 (20 ILCS 2630/5.2)

20 Sec. 5.2. Expungement and sealing.

21 (a) General Provisions.

22 (1) Definitions. In this Act, words and phrases have
23 the meanings set forth in this subsection, except when a

1 particular context clearly requires a different meaning.

2 (A) The following terms shall have the meanings
3 ascribed to them in the Unified Code of Corrections,
4 730 ILCS 5/5-1-2 through 5/5-1-22:

5 (i) Business Offense (730 ILCS 5/5-1-2),

6 (ii) Charge (730 ILCS 5/5-1-3),

7 (iii) Court (730 ILCS 5/5-1-6),

8 (iv) Defendant (730 ILCS 5/5-1-7),

9 (v) Felony (730 ILCS 5/5-1-9),

10 (vi) Imprisonment (730 ILCS 5/5-1-10),

11 (vii) Judgment (730 ILCS 5/5-1-12),

12 (viii) Misdemeanor (730 ILCS 5/5-1-14),

13 (ix) Offense (730 ILCS 5/5-1-15),

14 (x) Parole (730 ILCS 5/5-1-16),

15 (xi) Petty Offense (730 ILCS 5/5-1-17),

16 (xii) Probation (730 ILCS 5/5-1-18),

17 (xiii) Sentence (730 ILCS 5/5-1-19),

18 (xiv) Supervision (730 ILCS 5/5-1-21), and

19 (xv) Victim (730 ILCS 5/5-1-22).

20 (B) As used in this Section, "charge not initiated
21 by arrest" means a charge (as defined by 730 ILCS
22 5/5-1-3) brought against a defendant where the
23 defendant is not arrested prior to or as a direct
24 result of the charge.

25 (C) "Conviction" means a judgment of conviction or
26 sentence entered upon a plea of guilty or upon a

1 verdict or finding of guilty of an offense, rendered by
2 a legally constituted jury or by a court of competent
3 jurisdiction authorized to try the case without a jury.
4 An order of supervision successfully completed by the
5 petitioner is not a conviction. An order of qualified
6 probation (as defined in subsection (a)(1)(J))
7 successfully completed by the petitioner is not a
8 conviction. An order of supervision or an order of
9 qualified probation that is terminated
10 unsatisfactorily is a conviction, unless the
11 unsatisfactory termination is reversed, vacated, or
12 modified and the judgment of conviction, if any, is
13 reversed or vacated.

14 (D) "Criminal offense" means a petty offense,
15 business offense, misdemeanor, felony, or municipal
16 ordinance violation (as defined in subsection
17 (a)(1)(H)). As used in this Section, a minor traffic
18 offense (as defined in subsection (a)(1)(G)) shall not
19 be considered a criminal offense.

20 (E) "Expunge" means to physically destroy the
21 records or return them to the petitioner and to
22 obliterate the petitioner's name from any official
23 index or public record, or both. Nothing in this Act
24 shall require the physical destruction of the circuit
25 court file, but such records relating to arrests or
26 charges, or both, ordered expunged shall be impounded

1 as required by subsections (d) (9) (A) (ii) and
2 (d) (9) (B) (ii).

3 (F) As used in this Section, "last sentence" means
4 the sentence, order of supervision, or order of
5 qualified probation (as defined by subsection
6 (a) (1) (J)), for a criminal offense (as defined by
7 subsection (a) (1) (D)) that terminates last in time in
8 any jurisdiction, regardless of whether the petitioner
9 has included the criminal offense for which the
10 sentence or order of supervision or qualified
11 probation was imposed in his or her petition. If
12 multiple sentences, orders of supervision, or orders
13 of qualified probation terminate on the same day and
14 are last in time, they shall be collectively considered
15 the "last sentence" regardless of whether they were
16 ordered to run concurrently.

17 (G) "Minor traffic offense" means a petty offense,
18 business offense, or Class C misdemeanor under the
19 Illinois Vehicle Code or a similar provision of a
20 municipal or local ordinance.

21 (H) "Municipal ordinance violation" means an
22 offense defined by a municipal or local ordinance that
23 is criminal in nature and with which the petitioner was
24 charged or for which the petitioner was arrested and
25 released without charging.

26 (I) "Petitioner" means an adult or a minor

1 prosecuted as an adult who has applied for relief under
2 this Section.

3 (J) "Qualified probation" means an order of
4 probation under Section 10 of the Cannabis Control Act,
5 Section 410 of the Illinois Controlled Substances Act,
6 Section 70 of the Methamphetamine Control and
7 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
8 of the Unified Code of Corrections, Section
9 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as
10 those provisions existed before their deletion by
11 Public Act 89-313), Section 10-102 of the Illinois
12 Alcoholism and Other Drug Dependency Act, Section
13 40-10 of the Alcoholism and Other Drug Abuse and
14 Dependency Act, or Section 10 of the Steroid Control
15 Act. For the purpose of this Section, "successful
16 completion" of an order of qualified probation under
17 Section 10-102 of the Illinois Alcoholism and Other
18 Drug Dependency Act and Section 40-10 of the Alcoholism
19 and Other Drug Abuse and Dependency Act means that the
20 probation was terminated satisfactorily and the
21 judgment of conviction was vacated.

22 (K) "Seal" means to physically and electronically
23 maintain the records, unless the records would
24 otherwise be destroyed due to age, but to make the
25 records unavailable without a court order, subject to
26 the exceptions in Sections 12 and 13 of this Act. The

1 petitioner's name shall also be obliterated from the
2 official index required to be kept by the circuit court
3 clerk under Section 16 of the Clerks of Courts Act, but
4 any index issued by the circuit court clerk before the
5 entry of the order to seal shall not be affected.

6 (L) "Sexual offense committed against a minor"
7 includes but is not limited to the offenses of indecent
8 solicitation of a child or criminal sexual abuse when
9 the victim of such offense is under 18 years of age.

10 (M) "Terminate" as it relates to a sentence or
11 order of supervision or qualified probation includes
12 either satisfactory or unsatisfactory termination of
13 the sentence, unless otherwise specified in this
14 Section.

15 (2) Minor Traffic Offenses. Orders of supervision or
16 convictions for minor traffic offenses shall not affect a
17 petitioner's eligibility to expunge or seal records
18 pursuant to this Section.

19 (3) Exclusions. Except as otherwise provided in
20 subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6)
21 of this Section, the court shall not order:

22 (A) the sealing or expungement of the records of
23 arrests or charges not initiated by arrest that result
24 in an order of supervision for or conviction of: (i)
25 any sexual offense committed against a minor; (ii)
26 Section 11-501 of the Illinois Vehicle Code or a

1 similar provision of a local ordinance; or (iii)
2 Section 11-503 of the Illinois Vehicle Code or a
3 similar provision of a local ordinance, unless the
4 arrest or charge is for a misdemeanor violation of
5 subsection (a) of Section 11-503 or a similar provision
6 of a local ordinance, that occurred prior to the
7 offender reaching the age of 25 years and the offender
8 has no other conviction for violating Section 11-501 or
9 11-503 of the Illinois Vehicle Code or a similar
10 provision of a local ordinance.

11 (B) the sealing or expungement of records of minor
12 traffic offenses (as defined in subsection (a)(1)(G)),
13 unless the petitioner was arrested and released
14 without charging.

15 (C) the sealing of the records of arrests or
16 charges not initiated by arrest which result in an
17 order of supervision, an order of qualified probation
18 (as defined in subsection (a)(1)(J)), or a conviction
19 for the following offenses:

20 (i) offenses included in Article 11 of the
21 Criminal Code of 1961 or the Criminal Code of 2012
22 or a similar provision of a local ordinance, except
23 Section 11-14 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, or a similar provision of a
25 local ordinance;

26 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,

1 26-5, or 48-1 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, or a similar provision of a
3 local ordinance;

4 (iii) offenses defined as "crimes of violence"
5 in Section 2 of the Crime Victims Compensation Act
6 or a similar provision of a local ordinance;

7 (iv) offenses which are Class A misdemeanors
8 under the Humane Care for Animals Act; or

9 (v) any offense or attempted offense that
10 would subject a person to registration under the
11 Sex Offender Registration Act.

12 (D) the sealing of the records of an arrest which
13 results in the petitioner being charged with a felony
14 offense or records of a charge not initiated by arrest
15 for a felony offense unless:

16 (i) the charge is amended to a misdemeanor and
17 is otherwise eligible to be sealed pursuant to
18 subsection (c);

19 (ii) the charge is brought along with another
20 charge as a part of one case and the charge results
21 in acquittal, dismissal, or conviction when the
22 conviction was reversed or vacated, and another
23 charge brought in the same case results in a
24 disposition for a misdemeanor offense that is
25 eligible to be sealed pursuant to subsection (c) or
26 a disposition listed in paragraph (i), (iii), or

1 (iv) of this subsection;

2 (iii) the charge results in first offender
3 probation as set forth in subsection (c) (2) (E);

4 (iv) the charge is for a felony offense listed
5 in subsection (c) (2) (F) or the charge is amended to
6 a felony offense listed in subsection (c) (2) (F);

7 (v) the charge results in acquittal,
8 dismissal, or the petitioner's release without
9 conviction; or

10 (vi) the charge results in a conviction, but
11 the conviction was reversed or vacated.

12 (b) Expungement.

13 (1) A petitioner may petition the circuit court to
14 expunge the records of his or her arrests and charges not
15 initiated by arrest when:

16 (A) He or she has never been convicted of a
17 criminal offense; and

18 (B) Each arrest or charge not initiated by arrest
19 sought to be expunged resulted in: (i) acquittal,
20 dismissal, or the petitioner's release without
21 charging, unless excluded by subsection (a) (3) (B);
22 (ii) a conviction which was vacated or reversed, unless
23 excluded by subsection (a) (3) (B); (iii) an order of
24 supervision and such supervision was successfully
25 completed by the petitioner, unless excluded by
26 subsection (a) (3) (A) or (a) (3) (B); or (iv) an order of

1 qualified probation (as defined in subsection
2 (a)(1)(J)) and such probation was successfully
3 completed by the petitioner.

4 (2) Time frame for filing a petition to expunge.

5 (A) When the arrest or charge not initiated by
6 arrest sought to be expunged resulted in an acquittal,
7 dismissal, the petitioner's release without charging,
8 or the reversal or vacation of a conviction, there is
9 no waiting period to petition for the expungement of
10 such records.

11 (B) When the arrest or charge not initiated by
12 arrest sought to be expunged resulted in an order of
13 supervision, successfully completed by the petitioner,
14 the following time frames will apply:

15 (i) Those arrests or charges that resulted in
16 orders of supervision under Section 3-707, 3-708,
17 3-710, or 5-401.3 of the Illinois Vehicle Code or a
18 similar provision of a local ordinance, or under
19 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
20 Code of 1961 or the Criminal Code of 2012, or a
21 similar provision of a local ordinance, shall not
22 be eligible for expungement until 5 years have
23 passed following the satisfactory termination of
24 the supervision.

25 (i-5) Those arrests or charges that resulted
26 in orders of supervision for a misdemeanor

1 violation of subsection (a) of Section 11-503 of
2 the Illinois Vehicle Code or a similar provision of
3 a local ordinance, that occurred prior to the
4 offender reaching the age of 25 years and the
5 offender has no other conviction for violating
6 Section 11-501 or 11-503 of the Illinois Vehicle
7 Code or a similar provision of a local ordinance
8 shall not be eligible for expungement until the
9 petitioner has reached the age of 25 years.

10 (ii) Those arrests or charges that resulted in
11 orders of supervision for any other offenses shall
12 not be eligible for expungement until 2 years have
13 passed following the satisfactory termination of
14 the supervision.

15 (C) When the arrest or charge not initiated by
16 arrest sought to be expunged resulted in an order of
17 qualified probation, successfully completed by the
18 petitioner, such records shall not be eligible for
19 expungement until 5 years have passed following the
20 satisfactory termination of the probation.

21 (3) Those records maintained by the Department for
22 persons arrested prior to their 17th birthday shall be
23 expunged as provided in Section 5-915 of the Juvenile Court
24 Act of 1987.

25 (4) Whenever a person has been arrested for or
26 convicted of any offense, in the name of a person whose

1 identity he or she has stolen or otherwise come into
2 possession of, the aggrieved person from whom the identity
3 was stolen or otherwise obtained without authorization,
4 upon learning of the person having been arrested using his
5 or her identity, may, upon verified petition to the chief
6 judge of the circuit wherein the arrest was made, have a
7 court order entered nunc pro tunc by the Chief Judge to
8 correct the arrest record, conviction record, if any, and
9 all official records of the arresting authority, the
10 Department, other criminal justice agencies, the
11 prosecutor, and the trial court concerning such arrest, if
12 any, by removing his or her name from all such records in
13 connection with the arrest and conviction, if any, and by
14 inserting in the records the name of the offender, if known
15 or ascertainable, in lieu of the aggrieved's name. The
16 records of the circuit court clerk shall be sealed until
17 further order of the court upon good cause shown and the
18 name of the aggrieved person obliterated on the official
19 index required to be kept by the circuit court clerk under
20 Section 16 of the Clerks of Courts Act, but the order shall
21 not affect any index issued by the circuit court clerk
22 before the entry of the order. Nothing in this Section
23 shall limit the Department of State Police or other
24 criminal justice agencies or prosecutors from listing
25 under an offender's name the false names he or she has
26 used.

1 (5) Whenever a person has been convicted of criminal
2 sexual assault, aggravated criminal sexual assault,
3 predatory criminal sexual assault of a child, criminal
4 sexual abuse, or aggravated criminal sexual abuse, the
5 victim of that offense may request that the State's
6 Attorney of the county in which the conviction occurred
7 file a verified petition with the presiding trial judge at
8 the petitioner's trial to have a court order entered to
9 seal the records of the circuit court clerk in connection
10 with the proceedings of the trial court concerning that
11 offense. However, the records of the arresting authority
12 and the Department of State Police concerning the offense
13 shall not be sealed. The court, upon good cause shown,
14 shall make the records of the circuit court clerk in
15 connection with the proceedings of the trial court
16 concerning the offense available for public inspection.

17 (6) If a conviction has been set aside on direct review
18 or on collateral attack and the court determines by clear
19 and convincing evidence that the petitioner was factually
20 innocent of the charge, the court that finds the petitioner
21 factually innocent of the charge shall enter an expungement
22 order for the conviction for which the petitioner has been
23 determined to be innocent as provided in subsection (b) of
24 Section 5-5-4 of the Unified Code of Corrections.

25 (7) Nothing in this Section shall prevent the
26 Department of State Police from maintaining all records of

1 any person who is admitted to probation upon terms and
2 conditions and who fulfills those terms and conditions
3 pursuant to Section 10 of the Cannabis Control Act, Section
4 410 of the Illinois Controlled Substances Act, Section 70
5 of the Methamphetamine Control and Community Protection
6 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
7 Corrections, Section 12-4.3 or subdivision (b)(1) of
8 Section 12-3.05 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, Section 10-102 of the Illinois
10 Alcoholism and Other Drug Dependency Act, Section 40-10 of
11 the Alcoholism and Other Drug Abuse and Dependency Act, or
12 Section 10 of the Steroid Control Act.

13 (8) If the petitioner has been granted a certificate of
14 innocence under Section 2-702 of the Code of Civil
15 Procedure, the court that grants the certificate of
16 innocence shall also enter an order expunging the
17 conviction for which the petitioner has been determined to
18 be innocent as provided in subsection (h) of Section 2-702
19 of the Code of Civil Procedure.

20 (c) Sealing.

21 (1) Applicability. Notwithstanding any other provision
22 of this Act to the contrary, and cumulative with any rights
23 to expungement of criminal records, this subsection
24 authorizes the sealing of criminal records of adults and of
25 minors prosecuted as adults.

26 (2) Eligible Records. The following records may be

1 sealed:

2 (A) All arrests resulting in release without
3 charging;

4 (B) Arrests or charges not initiated by arrest
5 resulting in acquittal, dismissal, or conviction when
6 the conviction was reversed or vacated, except as
7 excluded by subsection (a) (3) (B);

8 (C) Arrests or charges not initiated by arrest
9 resulting in orders of supervision successfully
10 completed by the petitioner, unless excluded by
11 subsection (a) (3);

12 (D) Arrests or charges not initiated by arrest
13 resulting in convictions unless excluded by subsection
14 (a) (3);

15 (E) Arrests or charges not initiated by arrest
16 resulting in orders of first offender probation under
17 Section 10 of the Cannabis Control Act, Section 410 of
18 the Illinois Controlled Substances Act, Section 70 of
19 the Methamphetamine Control and Community Protection
20 Act, or Section 5-6-3.3 of the Unified Code of
21 Corrections; and

22 (F) Arrests or charges not initiated by arrest
23 resulting in felony convictions for the following
24 offenses:

25 (i) Class 4 felony convictions for:

26 Prostitution under Section 11-14 of the

1 Criminal Code of 1961 or the Criminal Code of
2 2012.

3 Possession of cannabis under Section 4 of
4 the Cannabis Control Act.

5 Possession of a controlled substance under
6 Section 402 of the Illinois Controlled
7 Substances Act.

8 Offenses under the Methamphetamine
9 Precursor Control Act.

10 Offenses under the Steroid Control Act.

11 Theft under Section 16-1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012.

13 Retail theft under Section 16A-3 or
14 paragraph (a) of 16-25 of the Criminal Code of
15 1961 or the Criminal Code of 2012.

16 Deceptive practices under Section 17-1 of
17 the Criminal Code of 1961 or the Criminal Code
18 of 2012.

19 Forgery under Section 17-3 of the Criminal
20 Code of 1961 or the Criminal Code of 2012.

21 Possession of burglary tools under Section
22 19-2 of the Criminal Code of 1961 or the
23 Criminal Code of 2012.

24 (ii) Class 3 felony convictions for:

25 Theft under Section 16-1 of the Criminal
26 Code of 1961 or the Criminal Code of 2012.

1 Retail theft under Section 16A-3 or
2 paragraph (a) of 16-25 of the Criminal Code of
3 1961 or the Criminal Code of 2012.

4 Deceptive practices under Section 17-1 of
5 the Criminal Code of 1961 or the Criminal Code
6 of 2012.

7 Forgery under Section 17-3 of the Criminal
8 Code of 1961 or the Criminal Code of 2012.

9 Possession with intent to manufacture or
10 deliver a controlled substance under Section
11 401 of the Illinois Controlled Substances Act.

12 (3) When Records Are Eligible to Be Sealed. Records
13 identified as eligible under subsection (c)(2) may be
14 sealed as follows:

15 (A) Records identified as eligible under
16 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
17 time.

18 (B) Records identified as eligible under
19 subsection (c)(2)(C) may be sealed (i) 3 years after
20 the termination of petitioner's last sentence (as
21 defined in subsection (a)(1)(F)) if the petitioner has
22 never been convicted of a criminal offense (as defined
23 in subsection (a)(1)(D)); or (ii) 4 years after the
24 termination of the petitioner's last sentence (as
25 defined in subsection (a)(1)(F)) if the petitioner has
26 ever been convicted of a criminal offense (as defined

1 in subsection (a) (1) (D)).

2 (C) Records identified as eligible under
3 subsections (c) (2) (D), (c) (2) (E), and (c) (2) (F) may be
4 sealed 4 years after the termination of the
5 petitioner's last sentence (as defined in subsection
6 (a) (1) (F)).

7 (D) Records identified in subsection
8 (a) (3) (A) (iii) may be sealed after the petitioner has
9 reached the age of 25 years.

10 (4) Subsequent felony convictions. A person may not
11 have subsequent felony conviction records sealed as
12 provided in this subsection (c) if he or she is convicted
13 of any felony offense after the date of the sealing of
14 prior felony convictions as provided in this subsection
15 (c). The court may, upon conviction for a subsequent felony
16 offense, order the unsealing of prior felony conviction
17 records previously ordered sealed by the court.

18 (5) Notice of eligibility for sealing. Upon entry of a
19 disposition for an eligible record under this subsection
20 (c), the petitioner shall be informed by the court of the
21 right to have the records sealed and the procedures for the
22 sealing of the records.

23 (d) Procedure. The following procedures apply to
24 expungement under subsections (b), (e), and (e-6) and sealing
25 under subsections (c) and (e-5):

26 (1) Filing the petition. Upon becoming eligible to

1 petition for the expungement or sealing of records under
2 this Section, the petitioner shall file a petition
3 requesting the expungement or sealing of records with the
4 clerk of the court where the arrests occurred or the
5 charges were brought, or both. If arrests occurred or
6 charges were brought in multiple jurisdictions, a petition
7 must be filed in each such jurisdiction. The petitioner
8 shall pay the applicable fee, if not waived.

9 (2) Contents of petition. The petition shall be
10 verified and shall contain the petitioner's name, date of
11 birth, current address and, for each arrest or charge not
12 initiated by arrest sought to be sealed or expunged, the
13 case number, the date of arrest (if any), the identity of
14 the arresting authority, and such other information as the
15 court may require. During the pendency of the proceeding,
16 the petitioner shall promptly notify the circuit court
17 clerk of any change of his or her address. If the
18 petitioner has received a certificate of eligibility for
19 sealing from the Prisoner Review Board under paragraph (10)
20 of subsection (a) of Section 3-3-2 of the Unified Code of
21 Corrections, the certificate shall be attached to the
22 petition.

23 (3) Drug test. The petitioner must attach to the
24 petition proof that the petitioner has passed a test taken
25 within 30 days before the filing of the petition showing
26 the absence within his or her body of all illegal

1 substances as defined by the Illinois Controlled
2 Substances Act, the Methamphetamine Control and Community
3 Protection Act, and the Cannabis Control Act if he or she
4 is petitioning to:

5 (A) seal felony records under clause (c) (2) (E);

6 (B) seal felony records for a violation of the
7 Illinois Controlled Substances Act, the
8 Methamphetamine Control and Community Protection Act,
9 or the Cannabis Control Act under clause (c) (2) (F);

10 (C) seal felony records under subsection (e-5); or

11 (D) expunge felony records of a qualified
12 probation under clause (b) (1) (B) (iv).

13 (4) Service of petition. The circuit court clerk shall
14 promptly serve a copy of the petition and documentation to
15 support the petition under subsection (e), (e-5), or (e-6)
16 on the State's Attorney or prosecutor charged with the duty
17 of prosecuting the offense, the Department of State Police,
18 the arresting agency and the chief legal officer of the
19 unit of local government effecting the arrest.

20 (5) Objections.

21 (A) Any party entitled to notice of the petition
22 may file an objection to the petition. All objections
23 shall be in writing, shall be filed with the circuit
24 court clerk, and shall state with specificity the basis
25 of the objection.

26 (B) Objections to a petition to expunge or seal

1 must be filed within 60 days of the date of service of
2 the petition.

3 (6) Entry of order.

4 (A) The Chief Judge of the circuit wherein the
5 charge was brought, any judge of that circuit
6 designated by the Chief Judge, or in counties of less
7 than 3,000,000 inhabitants, the presiding trial judge
8 at the petitioner's trial, if any, shall rule on the
9 petition to expunge or seal as set forth in this
10 subsection (d) (6).

11 (B) Unless the State's Attorney or prosecutor, the
12 Department of State Police, the arresting agency, or
13 the chief legal officer files an objection to the
14 petition to expunge or seal within 60 days from the
15 date of service of the petition, the court shall enter
16 an order granting or denying the petition.

17 (7) Hearings. If an objection is filed, the court shall
18 set a date for a hearing and notify the petitioner and all
19 parties entitled to notice of the petition of the hearing
20 date at least 30 days prior to the hearing. Prior to the
21 hearing, the State's Attorney shall consult with the
22 Department as to the appropriateness of the relief sought
23 in the petition to expunge or seal. At the hearing, the
24 court shall hear evidence on whether the petition should or
25 should not be granted, and shall grant or deny the petition
26 to expunge or seal the records based on the evidence

1 presented at the hearing. The court may consider the
2 following:

3 (A) the strength of the evidence supporting the
4 defendant's conviction;

5 (B) the reasons for retention of the conviction
6 records by the State;

7 (C) the petitioner's age, criminal record history,
8 and employment history;

9 (D) the period of time between the petitioner's
10 arrest on the charge resulting in the conviction and
11 the filing of the petition under this Section; and

12 (E) the specific adverse consequences the
13 petitioner may be subject to if the petition is denied.

14 (8) Service of order. After entering an order to
15 expunge or seal records, the court must provide copies of
16 the order to the Department, in a form and manner
17 prescribed by the Department, to the petitioner, to the
18 State's Attorney or prosecutor charged with the duty of
19 prosecuting the offense, to the arresting agency, to the
20 chief legal officer of the unit of local government
21 effecting the arrest, and to such other criminal justice
22 agencies as may be ordered by the court.

23 (9) Implementation of order.

24 (A) Upon entry of an order to expunge records
25 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

26 (i) the records shall be expunged (as defined

1 in subsection (a) (1) (E)) by the arresting agency,
2 the Department, and any other agency as ordered by
3 the court, within 60 days of the date of service of
4 the order, unless a motion to vacate, modify, or
5 reconsider the order is filed pursuant to
6 paragraph (12) of subsection (d) of this Section;

7 (ii) the records of the circuit court clerk
8 shall be impounded until further order of the court
9 upon good cause shown and the name of the
10 petitioner obliterated on the official index
11 required to be kept by the circuit court clerk
12 under Section 16 of the Clerks of Courts Act, but
13 the order shall not affect any index issued by the
14 circuit court clerk before the entry of the order;
15 and

16 (iii) in response to an inquiry for expunged
17 records, the court, the Department, or the agency
18 receiving such inquiry, shall reply as it does in
19 response to inquiries when no records ever
20 existed.

21 (B) Upon entry of an order to expunge records
22 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

23 (i) the records shall be expunged (as defined
24 in subsection (a) (1) (E)) by the arresting agency
25 and any other agency as ordered by the court,
26 within 60 days of the date of service of the order,

1 unless a motion to vacate, modify, or reconsider
2 the order is filed pursuant to paragraph (12) of
3 subsection (d) of this Section;

4 (ii) the records of the circuit court clerk
5 shall be impounded until further order of the court
6 upon good cause shown and the name of the
7 petitioner obliterated on the official index
8 required to be kept by the circuit court clerk
9 under Section 16 of the Clerks of Courts Act, but
10 the order shall not affect any index issued by the
11 circuit court clerk before the entry of the order;

12 (iii) the records shall be impounded by the
13 Department within 60 days of the date of service of
14 the order as ordered by the court, unless a motion
15 to vacate, modify, or reconsider the order is filed
16 pursuant to paragraph (12) of subsection (d) of
17 this Section;

18 (iv) records impounded by the Department may
19 be disseminated by the Department only as required
20 by law or to the arresting authority, the State's
21 Attorney, and the court upon a later arrest for the
22 same or a similar offense or for the purpose of
23 sentencing for any subsequent felony, and to the
24 Department of Corrections upon conviction for any
25 offense; and

26 (v) in response to an inquiry for such records

1 from anyone not authorized by law to access such
2 records, the court, the Department, or the agency
3 receiving such inquiry shall reply as it does in
4 response to inquiries when no records ever
5 existed.

6 (B-5) Upon entry of an order to expunge records
7 under subsection (e-6):

8 (i) the records shall be expunged (as defined
9 in subsection (a)(1)(E)) by the arresting agency
10 and any other agency as ordered by the court,
11 within 60 days of the date of service of the order,
12 unless a motion to vacate, modify, or reconsider
13 the order is filed under paragraph (12) of
14 subsection (d) of this Section;

15 (ii) the records of the circuit court clerk
16 shall be impounded until further order of the court
17 upon good cause shown and the name of the
18 petitioner obliterated on the official index
19 required to be kept by the circuit court clerk
20 under Section 16 of the Clerks of Courts Act, but
21 the order shall not affect any index issued by the
22 circuit court clerk before the entry of the order;

23 (iii) the records shall be impounded by the
24 Department within 60 days of the date of service of
25 the order as ordered by the court, unless a motion
26 to vacate, modify, or reconsider the order is filed

1 under paragraph (12) of subsection (d) of this
2 Section;

3 (iv) records impounded by the Department may
4 be disseminated by the Department only as required
5 by law or to the arresting authority, the State's
6 Attorney, and the court upon a later arrest for the
7 same or a similar offense or for the purpose of
8 sentencing for any subsequent felony, and to the
9 Department of Corrections upon conviction for any
10 offense; and

11 (v) in response to an inquiry for these records
12 from anyone not authorized by law to access the
13 records, the court, the Department, or the agency
14 receiving the inquiry shall reply as it does in
15 response to inquiries when no records ever
16 existed.

17 (C) Upon entry of an order to seal records under
18 subsection (c), the arresting agency, any other agency
19 as ordered by the court, the Department, and the court
20 shall seal the records (as defined in subsection
21 (a)(1)(K)). In response to an inquiry for such records
22 from anyone not authorized by law to access such
23 records, the court, the Department, or the agency
24 receiving such inquiry shall reply as it does in
25 response to inquiries when no records ever existed.

26 (D) The Department shall send written notice to the

1 petitioner of its compliance with each order to expunge
2 or seal records within 60 days of the date of service
3 of that order or, if a motion to vacate, modify, or
4 reconsider is filed, within 60 days of service of the
5 order resolving the motion, if that order requires the
6 Department to expunge or seal records. In the event of
7 an appeal from the circuit court order, the Department
8 shall send written notice to the petitioner of its
9 compliance with an Appellate Court or Supreme Court
10 judgment to expunge or seal records within 60 days of
11 the issuance of the court's mandate. The notice is not
12 required while any motion to vacate, modify, or
13 reconsider, or any appeal or petition for
14 discretionary appellate review, is pending.

15 (10) Fees. The Department may charge the petitioner a
16 fee equivalent to the cost of processing any order to
17 expunge or seal records. Notwithstanding any provision of
18 the Clerks of Courts Act to the contrary, the circuit court
19 clerk may charge a fee equivalent to the cost associated
20 with the sealing or expungement of records by the circuit
21 court clerk. From the total filing fee collected for the
22 petition to seal or expunge, the circuit court clerk shall
23 deposit \$10 into the Circuit Court Clerk Operation and
24 Administrative Fund, to be used to offset the costs
25 incurred by the circuit court clerk in performing the
26 additional duties required to serve the petition to seal or

1 expunge on all parties. The circuit court clerk shall
2 collect and forward the Department of State Police portion
3 of the fee to the Department and it shall be deposited in
4 the State Police Services Fund.

5 (11) Final Order. No court order issued under the
6 expungement or sealing provisions of this Section shall
7 become final for purposes of appeal until 30 days after
8 service of the order on the petitioner and all parties
9 entitled to notice of the petition.

10 (12) Motion to Vacate, Modify, or Reconsider. Under
11 Section 2-1203 of the Code of Civil Procedure, the
12 petitioner or any party entitled to notice may file a
13 motion to vacate, modify, or reconsider the order granting
14 or denying the petition to expunge or seal within 60 days
15 of service of the order. If filed more than 60 days after
16 service of the order, a petition to vacate, modify, or
17 reconsider shall comply with subsection (c) of Section
18 2-1401 of the Code of Civil Procedure. Upon filing of a
19 motion to vacate, modify, or reconsider, notice of the
20 motion shall be served upon the petitioner and all parties
21 entitled to notice of the petition.

22 (13) Effect of Order. An order granting a petition
23 under the expungement or sealing provisions of this Section
24 shall not be considered void because it fails to comply
25 with the provisions of this Section or because of any error
26 asserted in a motion to vacate, modify, or reconsider. The

1 circuit court retains jurisdiction to determine whether
2 the order is voidable and to vacate, modify, or reconsider
3 its terms based on a motion filed under paragraph (12) of
4 this subsection (d).

5 (14) Compliance with Order Granting Petition to Seal
6 Records. Unless a court has entered a stay of an order
7 granting a petition to seal, all parties entitled to notice
8 of the petition must fully comply with the terms of the
9 order within 60 days of service of the order even if a
10 party is seeking relief from the order through a motion
11 filed under paragraph (12) of this subsection (d) or is
12 appealing the order.

13 (15) Compliance with Order Granting Petition to
14 Expunge Records. While a party is seeking relief from the
15 order granting the petition to expunge through a motion
16 filed under paragraph (12) of this subsection (d) or is
17 appealing the order, and unless a court has entered a stay
18 of that order, the parties entitled to notice of the
19 petition must seal, but need not expunge, the records until
20 there is a final order on the motion for relief or, in the
21 case of an appeal, the issuance of that court's mandate.

22 (16) The changes to this subsection (d) made by Public
23 Act 98-163 ~~this amendatory Act of the 98th General Assembly~~
24 apply to all petitions pending on August 5, 2013 (the
25 effective date of Public Act 98-163) ~~this amendatory Act of~~
26 ~~the 98th General Assembly~~ and to all orders ruling on a

1 petition to expunge or seal on or after August 5, 2013 (the
2 effective date of Public Act 98-163) ~~this amendatory Act of~~
3 ~~the 98th General Assembly.~~

4 (e) Whenever a person who has been convicted of an offense
5 is granted a pardon by the Governor which specifically
6 authorizes expungement, he or she may, upon verified petition
7 to the Chief Judge of the circuit where the person had been
8 convicted, any judge of the circuit designated by the Chief
9 Judge, or in counties of less than 3,000,000 inhabitants, the
10 presiding trial judge at the defendant's trial, have a court
11 order entered expunging the record of arrest from the official
12 records of the arresting authority and order that the records
13 of the circuit court clerk and the Department be sealed until
14 further order of the court upon good cause shown or as
15 otherwise provided herein, and the name of the defendant
16 obliterated from the official index requested to be kept by the
17 circuit court clerk under Section 16 of the Clerks of Courts
18 Act in connection with the arrest and conviction for the
19 offense for which he or she had been pardoned but the order
20 shall not affect any index issued by the circuit court clerk
21 before the entry of the order. All records sealed by the
22 Department may be disseminated by the Department only to the
23 arresting authority, the State's Attorney, and the court upon a
24 later arrest for the same or similar offense or for the purpose
25 of sentencing for any subsequent felony. Upon conviction for
26 any subsequent offense, the Department of Corrections shall

1 have access to all sealed records of the Department pertaining
2 to that individual. Upon entry of the order of expungement, the
3 circuit court clerk shall promptly mail a copy of the order to
4 the person who was pardoned.

5 (e-5) Whenever a person who has been convicted of an
6 offense is granted a certificate of eligibility for sealing by
7 the Prisoner Review Board which specifically authorizes
8 sealing, he or she may, upon verified petition to the Chief
9 Judge of the circuit where the person had been convicted, any
10 judge of the circuit designated by the Chief Judge, or in
11 counties of less than 3,000,000 inhabitants, the presiding
12 trial judge at the petitioner's trial, have a court order
13 entered sealing the record of arrest from the official records
14 of the arresting authority and order that the records of the
15 circuit court clerk and the Department be sealed until further
16 order of the court upon good cause shown or as otherwise
17 provided herein, and the name of the petitioner obliterated
18 from the official index requested to be kept by the circuit
19 court clerk under Section 16 of the Clerks of Courts Act in
20 connection with the arrest and conviction for the offense for
21 which he or she had been granted the certificate but the order
22 shall not affect any index issued by the circuit court clerk
23 before the entry of the order. All records sealed by the
24 Department may be disseminated by the Department only as
25 required by this Act or to the arresting authority, a law
26 enforcement agency, the State's Attorney, and the court upon a

1 later arrest for the same or similar offense or for the purpose
2 of sentencing for any subsequent felony. Upon conviction for
3 any subsequent offense, the Department of Corrections shall
4 have access to all sealed records of the Department pertaining
5 to that individual. Upon entry of the order of sealing, the
6 circuit court clerk shall promptly mail a copy of the order to
7 the person who was granted the certificate of eligibility for
8 sealing.

9 (e-6) Whenever a person who has been convicted of an
10 offense is granted a certificate of eligibility for expungement
11 by the Prisoner Review Board which specifically authorizes
12 expungement, he or she may, upon verified petition to the Chief
13 Judge of the circuit where the person had been convicted, any
14 judge of the circuit designated by the Chief Judge, or in
15 counties of less than 3,000,000 inhabitants, the presiding
16 trial judge at the petitioner's trial, have a court order
17 entered expunging the record of arrest from the official
18 records of the arresting authority and order that the records
19 of the circuit court clerk and the Department be sealed until
20 further order of the court upon good cause shown or as
21 otherwise provided herein, and the name of the petitioner
22 obliterated from the official index requested to be kept by the
23 circuit court clerk under Section 16 of the Clerks of Courts
24 Act in connection with the arrest and conviction for the
25 offense for which he or she had been granted the certificate
26 but the order shall not affect any index issued by the circuit

1 court clerk before the entry of the order. All records sealed
2 by the Department may be disseminated by the Department only as
3 required by this Act or to the arresting authority, a law
4 enforcement agency, the State's Attorney, and the court upon a
5 later arrest for the same or similar offense or for the purpose
6 of sentencing for any subsequent felony. Upon conviction for
7 any subsequent offense, the Department of Corrections shall
8 have access to all expunged records of the Department
9 pertaining to that individual. Upon entry of the order of
10 expungement, the circuit court clerk shall promptly mail a copy
11 of the order to the person who was granted the certificate of
12 eligibility for expungement.

13 (f) Subject to available funding, the Illinois Department
14 of Corrections shall conduct a study of the impact of sealing,
15 especially on employment and recidivism rates, utilizing a
16 random sample of those who apply for the sealing of their
17 criminal records under Public Act 93-211. At the request of the
18 Illinois Department of Corrections, records of the Illinois
19 Department of Employment Security shall be utilized as
20 appropriate to assist in the study. The study shall not
21 disclose any data in a manner that would allow the
22 identification of any particular individual or employing unit.
23 The study shall be made available to the General Assembly no
24 later than September 1, 2010.

25 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;
26 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.

1 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,
2 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
3 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; revised
4 9-4-13.)

5 Section 110. The Governor's Office of Management and Budget
6 Act is amended by changing Section 2.7 as follows:

7 (20 ILCS 3005/2.7)

8 Sec. 2.7. Securities information. To assist those entities
9 underwriting securities that are payable from State
10 appropriations, whether issued by the State or by others, by
11 providing financial and other information regarding the State
12 to securities investors, nationally recognized securities
13 information repositories, or the federal Municipal Securities
14 Rulemaking Board, and to any State information depository as
15 required by the federal Securities ~~and~~ Exchange Act of 1934 and
16 the rules promulgated thereunder. The Governor's Office of
17 Management and Budget is the only State office authorized to
18 provide such information.

19 (Source: P.A. 93-25, eff. 6-20-03; revised 9-4-13.)

20 Section 115. The Capital Development Board Act is amended
21 by changing Section 14 as follows:

22 (20 ILCS 3105/14) (from Ch. 127, par. 783.01)

1 Sec. 14. (a) It is the purpose of this Act to provide for
2 the promotion and preservation of the arts by securing suitable
3 works of art for the adornment of public buildings constructed
4 or subjected to major renovation by the State or which utilize
5 State funds, and thereby reflecting the diverse cultural
6 heritage of Illinois, with emphasis on the works of Illinois
7 artists.

8 (b) As used in this Act, "works" ~~"Works"~~ of art" shall apply
9 to and include paintings, prints, sculptures, graphics, mural
10 decorations, stained glass, statues, bas reliefs, ornaments,
11 fountains, ornamental gateways, or other creative works which
12 reflect form, beauty and aesthetic perceptions.

13 (c) Beginning with the fiscal year ending June 30, 1979,
14 and for each succeeding fiscal year thereafter, for
15 construction projects managed by the Capital Development
16 Board, the Capital Development Board shall set aside 1/2 of 1
17 percent of the amount authorized and appropriated for
18 construction or reconstruction of each public building
19 financed in whole or in part by State funds and generally
20 accessible to and used by the public for purchase and placement
21 of suitable works of art in such public buildings. The location
22 and character of the work or works of art to be installed in
23 such public buildings shall be determined by the Chairperson of
24 the Illinois Arts Council, in consultation with the designing
25 architect. The work or works of art shall be in a permanent and
26 prominent location. -

1 (d) There is created a Fine Arts Review Committee
2 consisting of the designing architect, the Chairperson of the
3 Illinois Arts Council or his or her designee, who shall serve
4 as the chair of the Committee, the Director of the Illinois
5 State Museum or his or her designee, and a representative of
6 the using agency. The Committee, after such study as it deems
7 necessary, shall recommend three artists or works of art in
8 order of preference. The Chairperson of the Illinois Arts
9 Council will make the final selection from among the
10 recommendations submitted. The Illinois Arts Council shall
11 provide administrative support for the Fine Arts Review
12 Committee and may promulgate rules to implement this
13 subsection.

14 (e) Subsection (c) does not apply to construction projects
15 for which the amount appropriated is less than \$1,000,000.

16 (f) The Capital Development Board shall enter into a
17 contract with the artist, or with the owner of the work or
18 works of art, selected by the Chairperson of the Illinois Arts
19 Council as provided in subsection (d) of this Section. The
20 total amount of the contract or contracts shall not exceed the
21 amount set aside pursuant to subsection (c) of this Section. If
22 the Capital Development Board cannot reach an agreement with
23 the artist or owner of the work or works of art, then the Board
24 shall notify the Chairperson of the Illinois Arts Council, and
25 the Chairperson may select a different artist or work or works
26 of art from the three recommendations made by the Fine Arts

1 Review Committee.

2 (Source: P.A. 98-572, eff. 1-1-14; revised 11-12-13.)

3 Section 120. The Illinois Emergency Management Agency Act
4 is amended by changing Section 21 as follows:

5 (20 ILCS 3305/21) (from Ch. 127, par. 1071)

6 Sec. 21. No Private Liability.

7 (a) Any person owning or controlling real estate or other
8 premises who voluntarily and without compensation grants a
9 license or privilege, or otherwise permits the designation or
10 use of the whole or any part or parts of such real estate or
11 premises for the purpose of sheltering persons during an actual
12 or impending disaster, or an ~~a~~ exercise together with his or
13 her successors in interest, if any, shall not be civilly liable
14 for negligently causing the death of, or injury to, any person
15 on or about such real estate or premises under such license,
16 privilege or other permission, or for negligently causing loss
17 of, or damage to, the property of such person.

18 (b) Any private person, firm or corporation and employees
19 and agents of such person, firm or corporation in the
20 performance of a contract with, and under the direction of, the
21 State, or any political subdivision of the State under the
22 provisions of this Act shall not be civilly liable for causing
23 the death of, or injury to, any person or damage to any
24 property except in the event of willful misconduct.

1 (c) Any private person, firm or corporation, and any
2 employee or agent of such person, firm or corporation, who
3 renders assistance or advice at the request of the State, or
4 any political subdivision of the State under this Act during an
5 actual or impending disaster, shall not be civilly liable for
6 causing the death of, or injury to, any person or damage to any
7 property except in the event of willful misconduct.

8 The immunities provided in this subsection (c) shall not
9 apply to any private person, firm or corporation, or to any
10 employee or agent of such person, firm or corporation whose act
11 or omission caused in whole or in part such actual or impending
12 disaster and who would otherwise be liable therefor.

13 (Source: P.A. 92-73, eff. 1-1-02; revised 10-7-13.)

14 Section 125. The Illinois Finance Authority Act is amended
15 by changing Section 801-10 as follows:

16 (20 ILCS 3501/801-10)

17 Sec. 801-10. Definitions. The following terms, whenever
18 used or referred to in this Act, shall have the following
19 meanings, except in such instances where the context may
20 clearly indicate otherwise:

21 (a) The term "Authority" means the Illinois Finance
22 Authority created by this Act.

23 (b) The term "project" means an industrial project,
24 conservation project, housing project, public purpose project,

1 higher education project, health facility project, cultural
2 institution project, municipal bond program project,
3 agricultural facility or agribusiness, and "project" may
4 include any combination of one or more of the foregoing
5 undertaken jointly by any person with one or more other
6 persons.

7 (c) The term "public purpose project" means any project or
8 facility, including without limitation land, buildings,
9 structures, machinery, equipment and all other real and
10 personal property, which is authorized or required by law to be
11 acquired, constructed, improved, rehabilitated, reconstructed,
12 replaced or maintained by any unit of government or any other
13 lawful public purpose which is authorized or required by law to
14 be undertaken by any unit of government.

15 (d) The term "industrial project" means the acquisition,
16 construction, refurbishment, creation, development or
17 redevelopment of any facility, equipment, machinery, real
18 property or personal property for use by any instrumentality of
19 the State or its political subdivisions, for use by any person
20 or institution, public or private, for profit or not for
21 profit, or for use in any trade or business, including, but not
22 limited to, any industrial, manufacturing or commercial
23 enterprise that is located within or outside the State,
24 provided that, with respect to a project involving property
25 located outside the State, the property must be owned,
26 operated, leased or managed by an entity located within the

1 State or an entity affiliated with an entity located within the
2 State, and which is (1) a capital project, including, but not
3 limited to: (i) land and any rights therein, one or more
4 buildings, structures or other improvements, machinery and
5 equipment, whether now existing or hereafter acquired, and
6 whether or not located on the same site or sites; (ii) all
7 appurtenances and facilities incidental to the foregoing,
8 including, but not limited to, utilities, access roads,
9 railroad sidings, track, docking and similar facilities,
10 parking facilities, dockage, wharfage, railroad roadbed,
11 track, trestle, depot, terminal, switching and signaling or
12 related equipment, site preparation and landscaping; and (iii)
13 all non-capital costs and expenses relating thereto or (2) any
14 addition to, renovation, rehabilitation or improvement of a
15 capital project or (3) any activity or undertaking within or
16 outside the State, provided that, with respect to a project
17 involving property located outside the State, the property must
18 be owned, operated, leased or managed by an entity located
19 within the State or an entity affiliated with an entity located
20 within the State, which the Authority determines will aid,
21 assist or encourage economic growth, development or
22 redevelopment within the State or any area thereof, will
23 promote the expansion, retention or diversification of
24 employment opportunities within the State or any area thereof
25 or will aid in stabilizing or developing any industry or
26 economic sector of the State economy. The term "industrial

1 project" also means the production of motion pictures.

2 (e) The term "bond" or "bonds" shall include bonds, notes
3 (including bond, grant or revenue anticipation notes),
4 certificates and/or other evidences of indebtedness
5 representing an obligation to pay money, including refunding
6 bonds.

7 (f) The terms "lease agreement" and "loan agreement" shall
8 mean: (i) an agreement whereby a project acquired by the
9 Authority by purchase, gift or lease is leased to any person,
10 corporation or unit of local government which will use or cause
11 the project to be used as a project as heretofore defined upon
12 terms providing for lease rental payments at least sufficient
13 to pay when due all principal of, interest and premium, if any,
14 on any bonds of the Authority issued with respect to such
15 project, providing for the maintenance, insuring and operation
16 of the project on terms satisfactory to the Authority,
17 providing for disposition of the project upon termination of
18 the lease term, including purchase options or abandonment of
19 the premises, and such other terms as may be deemed desirable
20 by the Authority, or (ii) any agreement pursuant to which the
21 Authority agrees to loan the proceeds of its bonds issued with
22 respect to a project or other funds of the Authority to any
23 person which will use or cause the project to be used as a
24 project as heretofore defined upon terms providing for loan
25 repayment installments at least sufficient to pay when due all
26 principal of, interest and premium, if any, on any bonds of the

1 Authority, if any, issued with respect to the project, and
2 providing for maintenance, insurance and other matters as may
3 be deemed desirable by the Authority.

4 (g) The term "financial aid" means the expenditure of
5 Authority funds or funds provided by the Authority through the
6 issuance of its bonds, notes or other evidences of indebtedness
7 or from other sources for the development, construction,
8 acquisition or improvement of a project.

9 (h) The term "person" means an individual, corporation,
10 unit of government, business trust, estate, trust, partnership
11 or association, 2 or more persons having a joint or common
12 interest, or any other legal entity.

13 (i) The term "unit of government" means the federal
14 government, the State or unit of local government, a school
15 district, or any agency or instrumentality, office, officer,
16 department, division, bureau, commission, college or
17 university thereof.

18 (j) The term "health facility" means: (a) any public or
19 private institution, place, building, or agency required to be
20 licensed under the Hospital Licensing Act; (b) any public or
21 private institution, place, building, or agency required to be
22 licensed under the Nursing Home Care Act, the Specialized
23 Mental Health Rehabilitation Act of 2013, or the ID/DD
24 Community Care Act; (c) any public or licensed private hospital
25 as defined in the Mental Health and Developmental Disabilities
26 Code; (d) any such facility exempted from such licensure when

1 the Director of Public Health attests that such exempted
2 facility meets the statutory definition of a facility subject
3 to licensure; (e) any other public or private health service
4 institution, place, building, or agency which the Director of
5 Public Health attests is subject to certification by the
6 Secretary, U.S. Department of Health and Human Services under
7 the Social Security Act, as now or hereafter amended, or which
8 the Director of Public Health attests is subject to
9 standard-setting by a recognized public or voluntary
10 accrediting or standard-setting agency; (f) any public or
11 private institution, place, building or agency engaged in
12 providing one or more supporting services to a health facility;
13 (g) any public or private institution, place, building or
14 agency engaged in providing training in the healing arts,
15 including, but not limited to, schools of medicine, dentistry,
16 osteopathy, optometry, podiatry, pharmacy or nursing, schools
17 for the training of x-ray, laboratory or other health care
18 technicians and schools for the training of para-professionals
19 in the health care field; (h) any public or private congregate,
20 life or extended care or elderly housing facility or any public
21 or private home for the aged or infirm, including, without
22 limitation, any Facility as defined in the Life Care Facilities
23 Act; (i) any public or private mental, emotional or physical
24 rehabilitation facility or any public or private educational,
25 counseling, or rehabilitation facility or home, for those
26 persons with a developmental disability, those who are

1 physically ill or disabled, the emotionally disturbed, those
2 persons with a mental illness or persons with learning or
3 similar disabilities or problems; (j) any public or private
4 alcohol, drug or substance abuse diagnosis, counseling
5 treatment or rehabilitation facility, (k) any public or private
6 institution, place, building or agency licensed by the
7 Department of Children and Family Services or which is not so
8 licensed but which the Director of Children and Family Services
9 attests provides child care, child welfare or other services of
10 the type provided by facilities subject to such licensure; (l)
11 any public or private adoption agency or facility; and (m) any
12 public or private blood bank or blood center. "Health facility"
13 also means a public or private structure or structures suitable
14 primarily for use as a laboratory, laundry, nurses or interns
15 residence or other housing or hotel facility used in whole or
16 in part for staff, employees or students and their families,
17 patients or relatives of patients admitted for treatment or
18 care in a health facility, or persons conducting business with
19 a health facility, physician's facility, surgicenter,
20 administration building, research facility, maintenance,
21 storage or utility facility and all structures or facilities
22 related to any of the foregoing or required or useful for the
23 operation of a health facility, including parking or other
24 facilities or other supporting service structures required or
25 useful for the orderly conduct of such health facility. "Health
26 facility" also means, with respect to a project located outside

1 the State, any public or private institution, place, building,
2 or agency which provides services similar to those described
3 above, provided that such project is owned, operated, leased or
4 managed by a participating health institution located within
5 the State, or a participating health institution affiliated
6 with an entity located within the State.

7 (k) The term "participating health institution" means (i) a
8 private corporation or association or (ii) a public entity of
9 this State, in either case authorized by the laws of this State
10 or the applicable state to provide or operate a health facility
11 as defined in this Act and which, pursuant to the provisions of
12 this Act, undertakes the financing, construction or
13 acquisition of a project or undertakes the refunding or
14 refinancing of obligations, loans, indebtedness or advances as
15 provided in this Act.

16 (l) The term "health facility project", means a specific
17 health facility work or improvement to be financed or
18 refinanced (including without limitation through reimbursement
19 of prior expenditures), acquired, constructed, enlarged,
20 remodeled, renovated, improved, furnished, or equipped, with
21 funds provided in whole or in part hereunder, any accounts
22 receivable, working capital, liability or insurance cost or
23 operating expense financing or refinancing program of a health
24 facility with or involving funds provided in whole or in part
25 hereunder, or any combination thereof.

26 (m) The term "bond resolution" means the resolution or

1 resolutions authorizing the issuance of, or providing terms and
2 conditions related to, bonds issued under this Act and
3 includes, where appropriate, any trust agreement, trust
4 indenture, indenture of mortgage or deed of trust providing
5 terms and conditions for such bonds.

6 (n) The term "property" means any real, personal or mixed
7 property, whether tangible or intangible, or any interest
8 therein, including, without limitation, any real estate,
9 leasehold interests, appurtenances, buildings, easements,
10 equipment, furnishings, furniture, improvements, machinery,
11 rights of way, structures, accounts, contract rights or any
12 interest therein.

13 (o) The term "revenues" means, with respect to any project,
14 the rents, fees, charges, interest, principal repayments,
15 collections and other income or profit derived therefrom.

16 (p) The term "higher education project" means, in the case
17 of a private institution of higher education, an educational
18 facility to be acquired, constructed, enlarged, remodeled,
19 renovated, improved, furnished, or equipped, or any
20 combination thereof.

21 (q) The term "cultural institution project" means, in the
22 case of a cultural institution, a cultural facility to be
23 acquired, constructed, enlarged, remodeled, renovated,
24 improved, furnished, or equipped, or any combination thereof.

25 (r) The term "educational facility" means any property
26 located within the State, or any property located outside the

1 State, provided that, if the property is located outside the
2 State, it must be owned, operated, leased or managed by an
3 entity located within the State or an entity affiliated with an
4 entity located within the State, in each case constructed or
5 acquired before or after the effective date of this Act, which
6 is or will be, in whole or in part, suitable for the
7 instruction, feeding, recreation or housing of students, the
8 conducting of research or other work of a private institution
9 of higher education, the use by a private institution of higher
10 education in connection with any educational, research or
11 related or incidental activities then being or to be conducted
12 by it, or any combination of the foregoing, including, without
13 limitation, any such property suitable for use as or in
14 connection with any one or more of the following: an academic
15 facility, administrative facility, agricultural facility,
16 assembly hall, athletic facility, auditorium, boating
17 facility, campus, communication facility, computer facility,
18 continuing education facility, classroom, dining hall,
19 dormitory, exhibition hall, fire fighting facility, fire
20 prevention facility, food service and preparation facility,
21 gymnasium, greenhouse, health care facility, hospital,
22 housing, instructional facility, laboratory, library,
23 maintenance facility, medical facility, museum, offices,
24 parking area, physical education facility, recreational
25 facility, research facility, stadium, storage facility,
26 student union, study facility, theatre or utility.

1 (s) The term "cultural facility" means any property located
2 within the State, or any property located outside the State,
3 provided that, if the property is located outside the State, it
4 must be owned, operated, leased or managed by an entity located
5 within the State or an entity affiliated with an entity located
6 within the State, in each case constructed or acquired before
7 or after the effective date of this Act, which is or will be,
8 in whole or in part, suitable for the particular purposes or
9 needs of a cultural institution, including, without
10 limitation, any such property suitable for use as or in
11 connection with any one or more of the following: an
12 administrative facility, aquarium, assembly hall, auditorium,
13 botanical garden, exhibition hall, gallery, greenhouse,
14 library, museum, scientific laboratory, theater or zoological
15 facility, and shall also include, without limitation, books,
16 works of art or music, animal, plant or aquatic life or other
17 items for display, exhibition or performance. The term
18 "cultural facility" includes buildings on the National
19 Register of Historic Places which are owned or operated by
20 nonprofit entities.

21 (t) "Private institution of higher education" means a
22 not-for-profit educational institution which is not owned by
23 the State or any political subdivision, agency,
24 instrumentality, district or municipality thereof, which is
25 authorized by law to provide a program of education beyond the
26 high school level and which:

1 (1) Admits as regular students only individuals having
2 a certificate of graduation from a high school, or the
3 recognized equivalent of such a certificate;

4 (2) Provides an educational program for which it awards
5 a bachelor's degree, or provides an educational program,
6 admission into which is conditioned upon the prior
7 attainment of a bachelor's degree or its equivalent, for
8 which it awards a postgraduate degree, or provides not less
9 than a 2-year program which is acceptable for full credit
10 toward such a degree, or offers a 2-year program in
11 engineering, mathematics, or the physical or biological
12 sciences which is designed to prepare the student to work
13 as a technician and at a semiprofessional level in
14 engineering, scientific, or other technological fields
15 which require the understanding and application of basic
16 engineering, scientific, or mathematical principles or
17 knowledge;

18 (3) Is accredited by a nationally recognized
19 accrediting agency or association or, if not so accredited,
20 is an institution whose credits are accepted, on transfer,
21 by not less than 3 institutions which are so accredited,
22 for credit on the same basis as if transferred from an
23 institution so accredited, and holds an unrevoked
24 certificate of approval under the Private College Act from
25 the Board of Higher Education, or is qualified as a "degree
26 granting institution" under the Academic Degree Act; and

1 (4) Does not discriminate in the admission of students
2 on the basis of race or color. "Private institution of
3 higher education" also includes any "academic
4 institution".

5 (u) The term "academic institution" means any
6 not-for-profit institution which is not owned by the State or
7 any political subdivision, agency, instrumentality, district
8 or municipality thereof, which institution engages in, or
9 facilitates academic, scientific, educational or professional
10 research or learning in a field or fields of study taught at a
11 private institution of higher education. Academic institutions
12 include, without limitation, libraries, archives, academic,
13 scientific, educational or professional societies,
14 institutions, associations or foundations having such
15 purposes.

16 (v) The term "cultural institution" means any
17 not-for-profit institution which is not owned by the State or
18 any political subdivision, agency, instrumentality, district
19 or municipality thereof, which institution engages in the
20 cultural, intellectual, scientific, educational or artistic
21 enrichment of the people of the State. Cultural institutions
22 include, without limitation, aquaria, botanical societies,
23 historical societies, libraries, museums, performing arts
24 associations or societies, scientific societies and zoological
25 societies.

26 (w) The term "affiliate" means, with respect to financing

1 of an agricultural facility or an agribusiness, any lender, any
2 person, firm or corporation controlled by, or under common
3 control with, such lender, and any person, firm or corporation
4 controlling such lender.

5 (x) The term "agricultural facility" means land, any
6 building or other improvement thereon or thereto, and any
7 personal properties deemed necessary or suitable for use,
8 whether or not now in existence, in farming, ranching, the
9 production of agricultural commodities (including, without
10 limitation, the products of aquaculture, hydroponics and
11 silviculture) or the treating, processing or storing of such
12 agricultural commodities when such activities are customarily
13 engaged in by farmers as a part of farming and which land,
14 building, improvement or personal property is located within
15 the State, or is located outside the State, provided, ~~that,~~ if
16 such property is located outside the State, it must be owned,
17 operated, leased, or managed by an entity located within the
18 State or an entity affiliated with an entity located within the
19 State.

20 (y) The term "lender" with respect to financing of an
21 agricultural facility or an agribusiness, means any federal or
22 State chartered bank, Federal Land Bank, Production Credit
23 Association, Bank for Cooperatives, federal or State chartered
24 savings and loan association or building and loan association,
25 Small Business Investment Company or any other institution
26 qualified within this State to originate and service loans,

1 including, but without limitation to, insurance companies,
2 credit unions and mortgage loan companies. "Lender" also means
3 a wholly owned subsidiary of a manufacturer, seller or
4 distributor of goods or services that makes loans to businesses
5 or individuals, commonly known as a "captive finance company".

6 (z) The term "agribusiness" means any sole proprietorship,
7 limited partnership, co-partnership, joint venture,
8 corporation or cooperative which operates or will operate a
9 facility located within the State or outside the State,
10 provided, that, if any facility is located outside the State,
11 it must be owned, operated, leased, or managed by an entity
12 located within the State or an entity affiliated with an entity
13 located within the State, that is related to the processing of
14 agricultural commodities (including, without limitation, the
15 products of aquaculture, hydroponics and silviculture) or the
16 manufacturing, production or construction of agricultural
17 buildings, structures, equipment, implements, and supplies, or
18 any other facilities or processes used in agricultural
19 production. Agribusiness includes but is not limited to the
20 following:

21 (1) grain handling and processing, including grain
22 storage, drying, treatment, conditioning, mailing and
23 packaging;

24 (2) seed and feed grain development and processing;

25 (3) fruit and vegetable processing, including
26 preparation, canning and packaging;

1 (4) processing of livestock and livestock products,
2 dairy products, poultry and poultry products, fish or
3 apiarian products, including slaughter, shearing,
4 collecting, preparation, canning and packaging;

5 (5) fertilizer and agricultural chemical
6 manufacturing, processing, application and supplying;

7 (6) farm machinery, equipment and implement
8 manufacturing and supplying;

9 (7) manufacturing and supplying of agricultural
10 commodity processing machinery and equipment, including
11 machinery and equipment used in slaughter, treatment,
12 handling, collecting, preparation, canning or packaging of
13 agricultural commodities;

14 (8) farm building and farm structure manufacturing,
15 construction and supplying;

16 (9) construction, manufacturing, implementation,
17 supplying or servicing of irrigation, drainage and soil and
18 water conservation devices or equipment;

19 (10) fuel processing and development facilities that
20 produce fuel from agricultural commodities or byproducts;

21 (11) facilities and equipment for processing and
22 packaging agricultural commodities specifically for
23 export;

24 (12) facilities and equipment for forestry product
25 processing and supplying, including sawmilling operations,
26 wood chip operations, timber harvesting operations, and

1 manufacturing of prefabricated buildings, paper, furniture
2 or other goods from forestry products;

3 (13) facilities and equipment for research and
4 development of products, processes and equipment for the
5 production, processing, preparation or packaging of
6 agricultural commodities and byproducts.

7 (aa) The term "asset" with respect to financing of any
8 agricultural facility or any agribusiness, means, but is not
9 limited to the following: cash crops or feed on hand; livestock
10 held for sale; breeding stock; marketable bonds and securities;
11 securities not readily marketable; accounts receivable; notes
12 receivable; cash invested in growing crops; net cash value of
13 life insurance; machinery and equipment; cars and trucks; farm
14 and other real estate including life estates and personal
15 residence; value of beneficial interests in trusts; government
16 payments or grants; and any other assets.

17 (bb) The term "liability" with respect to financing of any
18 agricultural facility or any agribusiness shall include, but
19 not be limited to the following: accounts payable; notes or
20 other indebtedness owed to any source; taxes; rent; amounts
21 owed on real estate contracts or real estate mortgages;
22 judgments; accrued interest payable; and any other liability.

23 (cc) The term "Predecessor Authorities" means those
24 authorities as described in Section 845-75.

25 (dd) The term "housing project" means a specific work or
26 improvement located within the State or outside the State and

1 undertaken to provide residential dwelling accommodations,
2 including the acquisition, construction or rehabilitation of
3 lands, buildings and community facilities and in connection
4 therewith to provide nonhousing facilities which are part of
5 the housing project, including land, buildings, improvements,
6 equipment and all ancillary facilities for use for offices,
7 stores, retirement homes, hotels, financial institutions,
8 service, health care, education, recreation or research
9 establishments, or any other commercial purpose which are or
10 are to be related to a housing development, provided that any
11 work or improvement located outside the State is owned,
12 operated, leased or managed by an entity located within the
13 State, or any entity affiliated with an entity located within
14 the State.

15 (ee) The term "conservation project" means any project
16 including the acquisition, construction, rehabilitation,
17 maintenance, operation, or upgrade that is intended to create
18 or expand open space or to reduce energy usage through
19 efficiency measures. For the purpose of this definition, "open
20 space" has the definition set forth under Section 10 of the
21 Illinois Open Land Trust Act.

22 (ff) The term "significant presence" means the existence
23 within the State of the national or regional headquarters of an
24 entity or group or such other facility of an entity or group of
25 entities where a significant amount of the business functions
26 are performed for such entity or group of entities.

1 (gg) The term "municipal bond issuer" means the State or
2 any other state or commonwealth of the United States, or any
3 unit of local government, school district, agency or
4 instrumentality, office, department, division, bureau,
5 commission, college or university thereof located in the State
6 or any other state or commonwealth of the United States.

7 (hh) The term "municipal bond program project" means a
8 program for the funding of the purchase of bonds, notes or
9 other obligations issued by or on behalf of a municipal bond
10 issuer.

11 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
12 eff. 7-13-12; 98-90, eff. 7-15-13; 98-104, eff. 7-22-13;
13 revised 8-9-13.)

14 Section 130. The Illinois Power Agency Act is amended by
15 changing Sections 1-57 and 1-92 as follows:

16 (20 ILCS 3855/1-57)

17 Sec. 1-57. Facility financing.

18 (a) The Agency shall have the power (1) to borrow from the
19 Authority, through one or more Agency loan agreements, the net
20 proceeds of revenue bonds for costs incurred in connection with
21 the development and construction of a facility, provided that
22 the stated maturity date of any of those revenue bonds shall
23 not exceed 40 years from their respective issuance dates, (2)
24 to accept prepayments from purchasers of electric energy from a

1 project and to apply the same to costs incurred in connection
2 with the development and construction of a facility, subject to
3 any obligation to refund the same under the circumstances
4 specified in the purchasers' contract for the purchase and sale
5 of electric energy from that project, (3) to enter into leases
6 or similar arrangements to finance the property constituting a
7 part of a project and associated costs incurred in connection
8 with the development and construction of a facility, provided
9 that the term of any such lease or similar arrangement shall
10 not exceed 40 years from its inception, and (4) to enter into
11 agreements for the sale of revenue bonds that bear interest at
12 a rate or rates not exceeding the maximum rate permitted by the
13 Bond Authorization Act. All Agency loan agreements shall
14 include terms making the obligations thereunder subject to
15 redemption before maturity.

16 (b) The Agency may from time to time engage the services of
17 the Authority, attorneys, appraisers, architects, engineers,
18 accountants, credit analysts, bond underwriters, bond
19 trustees, credit enhancement providers, and other financial
20 professionals and consultants, if the Agency deems it
21 advisable.

22 (c) The Agency may pledge, as security for the payment of
23 its revenue bonds in respect of a project, (1) revenues derived
24 from the operation of the project in part or whole, (2) the
25 real and personal property, machinery, equipment, structures,
26 fixtures, and inventories directly associated with the

1 project, (3) grants or other revenues or taxes expected to be
2 received by the Agency directly linked to the project, (4)
3 payments to be made by another governmental unit or other
4 entity pursuant to a service, user, or other similar agreement
5 with that governmental unit or other entity that is a result of
6 the project, (5) any other revenues or moneys deposited or to
7 be deposited directly linked to the project, (6) all design,
8 engineering, procurement, construction, installation,
9 management, and operation agreements associated with the
10 project, (7) any reserve or debt service funds created under
11 the agreements governing the indebtedness, (8) the Illinois
12 Power Agency Facilities Fund or the Illinois Power Agency Debt
13 Service Fund, or (9) any combination thereof. Any such pledge
14 shall be authorized in a writing, signed by the Director of the
15 Agency, and then signed by the Governor of Illinois. At no time
16 shall the funds contained in the Illinois Power Agency Trust
17 Fund be pledged or used in any way to pay for the indebtedness
18 of the Agency. The Director shall not authorize the issuance or
19 grant of any pledge until he or she has certified that any
20 associated project is in full compliance with Sections 1-85 and
21 1-86 of this Act. The certification shall be duly attached or
22 referenced in the agreements reflecting the pledge. Any such
23 pledge made by the Agency shall be valid and binding from the
24 time the pledge is made. The revenues, property, or funds that
25 are pledged and thereafter received by the Agency shall
26 immediately be subject to the lien of the pledge without any

1 physical delivery thereof or further act; and, subject only to
2 the provisions of prior liens, the lien of the pledge shall be
3 valid and binding as against all parties having claims of any
4 kind in tort, contract, or otherwise against the Agency
5 irrespective of whether the parties have notice thereof. All
6 bonds issued on behalf of the Agency must be issued by the
7 Authority and must be revenue bonds. These revenue bonds may be
8 taxable or tax-exempt.

9 (d) All indebtedness issued by or on behalf of the Agency,
10 including, without limitation, any revenue bonds issued by the
11 Authority on behalf of the Agency, shall not be a debt of the
12 State, the Authority, any political subdivision thereof (other
13 than the Agency to the extent provided in agreements governing
14 the indebtedness), any local government, any governmental
15 aggregator as defined in ~~the~~ this Act, or any local government,
16 and none of the State, the Authority, any political subdivision
17 thereof (other than the Agency to the extent provided in
18 agreements governing the indebtedness), any local government,
19 or any government aggregator shall be liable thereon. Neither
20 the Authority nor the Agency shall have the power to pledge the
21 credit, the revenues, or the taxing power of the State, any
22 political subdivision thereof (other than the Agency), any
23 governmental aggregator, or of any local government, and
24 neither the credit, the revenues, nor the taxing power of the
25 State, any political subdivision thereof (other than the
26 Agency), any governmental aggregator, or any local government

1 shall be, or shall be deemed to be, pledged to the payment of
2 any revenue bonds, notes, or other obligations of the Agency.
3 In addition, the agreements governing any issue of indebtedness
4 shall provide that all holders of that indebtedness, by virtue
5 of their acquisition thereof, have agreed to waive and release
6 all claims and causes of action against the State of Illinois
7 in respect of the indebtedness or any project associated
8 therewith based on any theory of law. However, the waiver shall
9 not prohibit the holders of indebtedness issued on behalf of
10 the Agency from filing any cause of action against or
11 recovering damages from the Agency, recovering from any
12 property or funds pledged to secure the indebtedness, or
13 recovering from any property or funds to which the Agency holds
14 title, provided the property or funds are directly associated
15 with the project for which the indebtedness was specifically
16 issued. Each evidence of indebtedness of the Agency, including
17 the revenue bonds issued by the Authority on behalf of the
18 Agency, shall contain a clear and explicit statement of the
19 provisions of this Section.

20 (e) The Agency may from time to time enter into an
21 agreement or agreements to defease indebtedness issued on its
22 behalf or to refund, at maturity, at a redemption date or in
23 advance of either, any indebtedness issued on its behalf or
24 pursuant to redemption provisions or at any time before
25 maturity. All such refunding indebtedness shall be subject to
26 the requirements set forth in subsections (a), (c), and (d) of

1 this Section. No revenue bonds issued to refund or advance
2 refund revenue bonds issued under this Section may mature later
3 than the longest maturity date of the series of bonds being
4 refunded. After the aggregate original principal amount of
5 revenue bonds authorized in this Section has been issued, the
6 payment of any principal amount of those revenue bonds does not
7 authorize the issuance of additional revenue bonds (except
8 refunding revenue bonds).

9 (f) If the Agency fails to pay the principal of, interest,
10 or premium, if any, on any indebtedness as the same becomes
11 due, a civil action to compel payment may be instituted in the
12 appropriate circuit court by the holder or holders of the
13 indebtedness on which the default of payment exists or by any
14 administrative agent, collateral agent, or indenture trustee
15 acting on behalf of those holders. Delivery of a summons and a
16 copy of the complaint to the Director of the Agency shall
17 constitute sufficient service to give the circuit court
18 jurisdiction over the subject matter of the suit and
19 jurisdiction over the Agency and its officers named as
20 defendants for the purpose of compelling that payment. Any
21 case, controversy, or cause of action concerning the validity
22 of this Act shall relate to the revenue of the Agency. Any such
23 claims and related proceedings are subject in all respects to
24 the provisions of subsection (d) of this Section. The State of
25 Illinois shall not be liable or in any other way financially
26 responsible for any indebtedness issued by or on behalf of the

1 Agency or the performance or non-performance of any covenants
2 associated with any such indebtedness. The foregoing statement
3 shall not prohibit the holders of any indebtedness issued on
4 behalf of the Agency from filing any cause of action against or
5 recovering damages from the Agency recovering from any property
6 pledged to secure that indebtedness or recovering from any
7 property or funds to which the Agency holds title provided such
8 property or funds are directly associated with the project for
9 which the indebtedness is specifically issued.

10 (g) Upon each delivery of the revenue bonds authorized to
11 be issued by the Authority under this Act, the Agency shall
12 compute and certify to the State Comptroller the total amount
13 of principal of and interest on the Agency loan agreement
14 supporting the revenue bonds issued that will be payable in
15 order to retire those revenue bonds and the amount of principal
16 of and interest on the Agency loan agreement that will be
17 payable on each payment date during the then current and each
18 succeeding fiscal year. As soon as possible after the first day
19 of each month, beginning on the date set forth in the Agency
20 loan agreement where that date specifies when the Agency shall
21 begin setting aside revenues and other moneys for repayment of
22 the revenue bonds per the agreed to schedule, the Agency shall
23 certify to the Comptroller and the Comptroller shall order
24 transferred and the Treasurer shall transfer from the Illinois
25 Power Agency Facilities Fund to the Illinois Power Agency Debt
26 Service Fund for each month remaining in the State fiscal year

1 a sum of money, appropriated for that purpose, equal to the
2 result of the amount of principal of and interest on those
3 revenue bonds payable on the next payment date divided by the
4 number of full calendar months between the date of those
5 revenue bonds, and the first such payment date, and thereafter
6 divided by the number of months between each succeeding payment
7 date after the first. The Comptroller is authorized and
8 directed to draw warrants on the State Treasurer from the
9 Illinois Power Agency Facilities Fund and the Illinois Power
10 Agency Debt Service Fund for the amount of all payments of
11 principal and interest on the Agency loan agreement relating to
12 the Authority revenue bonds issued under this Act. The State
13 Treasurer or the State Comptroller shall deposit or cause to be
14 deposited any amount of grants or other revenues expected to be
15 received by the Agency that the Agency has pledged to the
16 payment of revenue bonds directly into the Illinois Power
17 Agency Debt Service Fund.

18 (Source: P.A. 95-481, eff. 8-28-07; revised 9-12-13.)

19 (20 ILCS 3855/1-92)

20 Sec. 1-92. Aggregation of electrical load by
21 municipalities, townships, and counties.

22 (a) The corporate authorities of a municipality, township
23 board, or county board of a county may adopt an ordinance under
24 which it may aggregate in accordance with this Section
25 residential and small commercial retail electrical loads

1 located, respectively, within the municipality, the township,
2 or the unincorporated areas of the county and, for that
3 purpose, may solicit bids and enter into service agreements to
4 facilitate for those loads the sale and purchase of electricity
5 and related services and equipment.

6 The corporate authorities, township board, or county board
7 may also exercise such authority jointly with any other
8 municipality, township, or county. Two or more municipalities,
9 townships, or counties, or a combination of both, may initiate
10 a process jointly to authorize aggregation by a majority vote
11 of each particular municipality, township, or county as
12 required by this Section.

13 If the corporate authorities, township board, or the county
14 board seek to operate the aggregation program as an opt-out
15 program for residential and small commercial retail customers,
16 then prior to the adoption of an ordinance with respect to
17 aggregation of residential and small commercial retail
18 electric loads, the corporate authorities of a municipality,
19 the township board, or the county board of a county shall
20 submit a referendum to its residents to determine whether or
21 not the aggregation program shall operate as an opt-out program
22 for residential and small commercial retail customers. Any
23 county board that seeks to submit such a referendum to its
24 residents shall do so only in unincorporated areas of the
25 county where no electric aggregation ordinance has been
26 adopted.

1 In addition to the notice and conduct requirements of the
2 general election law, notice of the referendum shall state
3 briefly the purpose of the referendum. The question of whether
4 the corporate authorities, the township board, or the county
5 board shall adopt an opt-out aggregation program for
6 residential and small commercial retail customers shall be
7 submitted to the electors of the municipality, township board,
8 or county board at a regular election and approved by a
9 majority of the electors voting on the question. The corporate
10 authorities, township board, or county board must certify to
11 the proper election authority, which must submit the question
12 at an election in accordance with the Election Code.

13 The election authority must submit the question in
14 substantially the following form:

15 Shall the (municipality, township, or county in which
16 the question is being voted upon) have the authority to
17 arrange for the supply of electricity for its residential
18 and small commercial retail customers who have not opted
19 out of such program?

20 The election authority must record the votes as "Yes" or "No".

21 If a majority of the electors voting on the question vote
22 in the affirmative, then the corporate authorities, township
23 board, or county board may implement an opt-out aggregation
24 program for residential and small commercial retail customers.

25 A referendum must pass in each particular municipality,
26 township, or county that is engaged in the aggregation program.

1 If the referendum fails, then the corporate authorities,
2 township board, or county board shall operate the aggregation
3 program as an opt-in program for residential and small
4 commercial retail customers.

5 An ordinance under this Section shall specify whether the
6 aggregation will occur only with the prior consent of each
7 person owning, occupying, controlling, or using an electric
8 load center proposed to be aggregated. Nothing in this Section,
9 however, authorizes the aggregation of electric loads that are
10 served or authorized to be served by an electric cooperative as
11 defined by and pursuant to the Electric Supplier Act or loads
12 served by a municipality that owns and operates its own
13 electric distribution system. No aggregation shall take effect
14 unless approved by a majority of the members of the corporate
15 authority, township board, or county board voting upon the
16 ordinance.

17 A governmental aggregator under this Section is not a
18 public utility or an alternative retail electric supplier.

19 For purposes of this Section, "township" means the portion
20 of a township that is an unincorporated portion of a county
21 that is not otherwise a part of a municipality. In addition to
22 such other limitations as are included in this Section, a
23 township board shall only have authority to aggregate
24 residential and small commercial customer loads in accordance
25 with this Section if the county board of the county in which
26 the township is located (i) is not also submitting a referendum

1 to its residents at the same general election that the township
2 board proposes to submit a referendum under this subsection
3 (a), (ii) has not received authorization through passage of a
4 referendum to operate an opt-out aggregation program for
5 residential and small commercial retail customers under this
6 subsection (a), and (iii) has not otherwise enacted an
7 ordinance under this subsection (a) authorizing the operation
8 of an opt-in aggregation program for residential and small
9 commercial retail customers as described in this Section.

10 (b) Upon the applicable requisite authority under this
11 Section, the corporate authorities, the township board, or the
12 county board, with assistance from the Illinois Power Agency,
13 shall develop a plan of operation and governance for the
14 aggregation program so authorized. Before adopting a plan under
15 this Section, the corporate authorities, township board, or
16 county board shall hold at least 2 public hearings on the plan.
17 Before the first hearing, the corporate authorities, township
18 board, or county board shall publish notice of the hearings
19 once a week for 2 consecutive weeks in a newspaper of general
20 circulation in the jurisdiction. The notice shall summarize the
21 plan and state the date, time, and location of each hearing.
22 Any load aggregation plan established pursuant to this Section
23 shall:

24 (1) provide for universal access to all applicable
25 residential customers and equitable treatment of
26 applicable residential customers;

1 (2) describe demand management and energy efficiency
2 services to be provided to each class of customers; and

3 (3) meet any requirements established by law
4 concerning aggregated service offered pursuant to this
5 Section.

6 (c) The process for soliciting bids for electricity and
7 other related services and awarding proposed agreements for the
8 purchase of electricity and other related services shall be
9 conducted in the following order:

10 (1) The corporate authorities, township board, or
11 county board may solicit bids for electricity and other
12 related services. The bid specifications may include a
13 provision requiring the bidder to disclose the fuel type of
14 electricity to be procured or generated on behalf of the
15 aggregation program customers. The corporate authorities,
16 township board, or county board may consider the proposed
17 source of electricity to be procured or generated to be put
18 into the grid on behalf of aggregation program customers in
19 the competitive bidding process. The Agency and Commission
20 may collaborate to issue joint guidance on voluntary
21 uniform standards for bidder disclosures of the source of
22 electricity to be procured or generated to be put into the
23 grid on behalf of aggregation program customers.

24 (1.5) A township board shall request from the electric
25 utility those residential and small commercial customers
26 within their aggregate area either by zip code or zip codes

1 or other means as determined by the electric utility. The
2 electric utility shall then provide to the township board
3 the residential and small commercial customers, including
4 the names and addresses of residential and small commercial
5 customers, electronically. The township board shall be
6 responsible for authenticating the residential and small
7 commercial customers contained in this listing and
8 providing edits of the data to affirm, add, or delete the
9 residential and small commercial customers located within
10 its jurisdiction. The township board shall provide the
11 edited list to the electric utility in an electronic format
12 or other means selected by the electric utility and certify
13 that the information is accurate.

14 (2) Notwithstanding Section 16-122 of the Public
15 Utilities Act and Section 2HH of the Consumer Fraud and
16 Deceptive Business Practices Act, an electric utility that
17 provides residential and small commercial retail electric
18 service in the aggregate area must, upon request of the
19 corporate authorities, township board, or the county board
20 in the aggregate area, submit to the requesting party, in
21 an electronic format, those account numbers, names, and
22 addresses of residential and small commercial retail
23 customers in the aggregate area that are reflected in the
24 electric utility's records at the time of the request;
25 provided, however, that any township board has first
26 provided an accurate customer list to the electric utility

1 as provided for herein.

2 Any corporate authority, township board, or county board
3 receiving customer information from an electric utility shall
4 be subject to the limitations on the disclosure of the
5 information described in Section 16-122 of the Public Utilities
6 Act and Section 2HH of the Consumer Fraud and Deceptive
7 Business Practices Act, and an electric utility shall not be
8 held liable for any claims arising out of the provision of
9 information pursuant to this item (2).

10 (d) If the corporate authorities, township board, or county
11 board operate under an opt-in program for residential and small
12 commercial retail customers, then the corporate authorities,
13 township board, or county board shall comply with all of the
14 following:

15 (1) Within 60 days after receiving the bids, the
16 corporate authorities, township board, or county board
17 shall allow residential and small commercial retail
18 customers to commit to the terms and conditions of a bid
19 that has been selected by the corporate authorities,
20 township board, or county board.

21 (2) If (A) the corporate authorities, township board,
22 or county board award proposed agreements for the purchase
23 of electricity and other related services and (B) an
24 agreement is reached between the corporate authorities,
25 township board, or county board for those services, then
26 customers committed to the terms and conditions according

1 to item (1) of this subsection (d) shall be committed to
2 the agreement.

3 (e) If the corporate authorities, township board, or county
4 board operate as an opt-out program for residential and small
5 commercial retail customers, then it shall be the duty of the
6 aggregated entity to fully inform residential and small
7 commercial retail customers in advance that they have the right
8 to opt out of the aggregation program. The disclosure shall
9 prominently state all charges to be made and shall include full
10 disclosure of the cost to obtain service pursuant to Section
11 16-103 of the Public Utilities Act, how to access it, and the
12 fact that it is available to them without penalty, if they are
13 currently receiving service under that Section. The Illinois
14 Power Agency shall furnish, without charge, to any citizen a
15 list of all supply options available to them in a format that
16 allows comparison of prices and products.

17 (f) Any person or entity retained by a municipality or
18 county, or jointly by more than one such unit of local
19 government, to provide input, guidance, or advice in the
20 selection of an electricity supplier for an aggregation program
21 shall disclose in writing to the involved units of local
22 government the nature of any relationship through which the
23 person or entity may receive, either directly or indirectly,
24 commissions or other remuneration as a result of the selection
25 of any particular electricity supplier. The written disclosure
26 must be made prior to formal approval by the involved units of

1 local government of any professional services agreement with
2 the person or entity, or no later than October 1, 2012 with
3 respect to any such professional services agreement entered
4 into prior to the effective date of this amendatory Act of the
5 97th General Assembly. The disclosure shall cover all direct
6 and indirect relationships through which commissions or
7 remuneration may result, including the pooling of commissions
8 or remuneration among multiple persons or entities, and shall
9 identify all involved electricity suppliers. The disclosure
10 requirements in this subsection (f) are to be liberally
11 construed to ensure that the nature of financial interests are
12 fully revealed, and these disclosure requirements shall apply
13 regardless of whether the involved person or entity is licensed
14 under Section 16-115C of the Public Utilities Act. Any person
15 or entity that fails to make the disclosure required under this
16 subsection (f) is liable to the involved units of local
17 government in an amount equal to all compensation paid to such
18 person or entity by the units of local government for the
19 input, guidance, or advice in the selection of an electricity
20 supplier, plus reasonable attorneys fees and court costs
21 incurred by the units of local government in connection with
22 obtaining such amount.

23 (g) The Illinois Power Agency shall provide assistance to
24 municipalities, townships, counties, or associations working
25 with municipalities to help complete the plan and bidding
26 process.

1 (h) This Section does not prohibit municipalities or
2 counties from entering into an intergovernmental agreement to
3 aggregate residential and small commercial retail electric
4 loads.

5 (Source: P.A. 97-338, eff. 8-12-11; 97-823, eff. 7-18-12;
6 97-1067, eff. 8-24-12; 98-404, eff. 1-1-14; 98-434, eff.
7 1-1-14; 98-463, eff. 8-16-13; revised 9-24-13.)

8 Section 135. The Addison Creek Restoration Commission Act
9 is amended by changing Section 20 as follows:

10 (20 ILCS 3901/20)

11 (Section scheduled to be repealed on January 1, 2015)

12 Sec. 20. Taxing powers.

13 (a) After the first Monday in October and by the first
14 Monday in December in each year, the Commission shall levy the
15 general taxes for the Commission by general categories for the
16 next fiscal year. A certified copy of the levy ordinance shall
17 be filed with the county clerk of each county in which ~~the~~ that
18 part of the territory of the Commission that is within the
19 Addison Creek floodplain is located by the last Tuesday in
20 December each year.

21 (b) The amount of taxes levied for general corporate
22 purposes for a fiscal year may not exceed the rate of .01% of
23 the value, as equalized or assessed by the Department of
24 Revenue, of the taxable property located within that part of

1 the territory of the Commission that is within the Addison
2 Creek floodplain, provided that the total amount levied and
3 extended under this Section and Section 17, in the aggregate,
4 in any single taxable year, shall not exceed \$10,000,000.

5 (c) This tax and tax rate are exclusive of the taxes
6 required for the payment of the principal of and interest on
7 bonds.

8 (d) The rate of the tax levied for general corporate
9 purposes of the Commission may be initially imposed or
10 thereafter increased, up to the maximum rate identified in
11 subsection (b), by the Commission by a resolution calling for
12 the submission of the question of imposing or increasing the
13 rate to the voters of that part of the territory of the
14 Commission that is within the Addison Creek floodplain in
15 accordance with the general election law. The question must be
16 in substantially the following form:

17 Shall the Commission be authorized to establish its
18 general corporate tax rate at (insert rate) on the
19 equalized assessed value on all taxable property located
20 within that part of the territory of the Commission that is
21 within the Addison Creek floodplain for its general
22 purposes?

23 The ballot must have printed on it, but not as part of the
24 proposition submitted, the following: "The approximate impact
25 of the proposed (tax rate or increase) on the owner of a single
26 family home having a market value of (insert value) would be

1 (insert amount) in the first year of the (tax rate or increase)
2 if the (tax rate or increase) is fully implemented." The ballot
3 may have printed on it, but not as part of the proposition, one
4 or both of the following: "The last tax rate extended for the
5 purposes of the Commission was (insert rate). The last rate
6 increase approved for the purposes of the Commission was in
7 (insert year)." No other information needs to be included on
8 the ballot.

9 The votes must be recorded as "Yes" or "No".

10 If a majority of the electors voting on the question vote
11 in the affirmative, the Commission may thereafter levy the tax.
12 (Source: P.A. 93-948, eff. 8-19-04; 94-682, eff. 11-3-05;
13 revised 9-24-13.)

14 Section 140. The Illinois Criminal Justice Information Act
15 is amended by changing Sections 3 and 14 as follows:

16 (20 ILCS 3930/3) (from Ch. 38, par. 210-3)

17 (Text of Section before amendment by P.A. 98-528)

18 Sec. 3. Definitions. Whenever used in this Act, and for the
19 purposes of this Act unless the context clearly denotes
20 otherwise:

21 (a) The term "criminal justice system" includes all
22 activities by public agencies pertaining to the prevention or
23 reduction of crime or enforcement of the criminal law, and
24 particularly, but without limitation, the prevention,

1 detection, and investigation of crime; the apprehension of
2 offenders; the protection of victims and witnesses; the
3 administration of juvenile justice; the prosecution and
4 defense of criminal cases; the trial, conviction, and
5 sentencing of offenders; as well as the correction and
6 rehabilitation of offenders, which includes imprisonment,
7 probation, parole, aftercare release, and treatment.

8 (b) The term "Authority" means the Illinois Criminal
9 Justice Information Authority created by this Act.

10 (c) The term "criminal justice information" means any and
11 every type of information that is collected, transmitted, or
12 maintained by the criminal justice system.

13 (d) The term "criminal history record information" means
14 data identifiable to an individual and consisting of
15 descriptions or notations of arrests, detentions, indictments,
16 informations, pre-trial proceedings, trials, or other formal
17 events in the criminal justice system or descriptions or
18 notations of criminal charges (including criminal violations
19 of local municipal ordinances) and the nature of any
20 disposition arising therefrom, including sentencing, court or
21 correctional supervision, rehabilitation, and release. The
22 term does not apply to statistical records and reports in which
23 individuals are not identified and from which their identities
24 are not ascertainable, or to information that is for criminal
25 investigative or intelligence purposes.

26 (e) The term "unit of general local government" means any

1 county, municipality or other general purpose political
2 subdivision of this State.

3 (Source: P.A. 98-558, eff. 1-1-14.)

4 (Text of Section after amendment by P.A. 98-528)

5 Sec. 3. Definitions. Whenever used in this Act, and for the
6 purposes of this Act unless the context clearly denotes
7 otherwise:

8 (a) The term "criminal justice system" includes all
9 activities by public agencies pertaining to the prevention or
10 reduction of crime or enforcement of the criminal law, and
11 particularly, but without limitation, the prevention,
12 detection, and investigation of crime; the apprehension of
13 offenders; the protection of victims and witnesses; the
14 administration of juvenile justice; the prosecution and
15 defense of criminal cases; the trial, conviction, and
16 sentencing of offenders; as well as the correction and
17 rehabilitation of offenders, which includes imprisonment,
18 probation, parole, aftercare release, and treatment.

19 (b) The term "Authority" means the Illinois Criminal
20 Justice Information Authority created by this Act.

21 (c) The term "criminal justice information" means any and
22 every type of information that is collected, transmitted, or
23 maintained by the criminal justice system.

24 (d) The term "criminal history record information" means
25 data identifiable to an individual, including information

1 collected under Section 4.5 of the Criminal Identification Act,
2 and consisting of descriptions or notations of arrests,
3 detentions, indictments, informations, pre-trial proceedings,
4 trials, or other formal events in the criminal justice system
5 or descriptions or notations of criminal charges (including
6 criminal violations of local municipal ordinances) and the
7 nature of any disposition arising therefrom, including
8 sentencing, court or correctional supervision, rehabilitation,
9 and release. The term does not apply to statistical records and
10 reports in which individuals are not identified and from which
11 their identities are not ascertainable, or to information that
12 is for criminal investigative or intelligence purposes.

13 (e) The term "unit of general local government" means any
14 county, municipality or other general purpose political
15 subdivision of this State.

16 (Source: P.A. 98-528, eff. 1-1-15; 98-558, eff. 1-1-14; revised
17 9-4-13.)

18 (20 ILCS 3930/14) (from Ch. 38, par. 210-14)

19 Sec. 14. Illinois Law Enforcement Commission. Effective
20 April 1, 1983:

21 (a) The position of Executive Director of the Illinois Law
22 Enforcement Commission is abolished;

23 (b) The Illinois Law Enforcement Commission is abolished,
24 and the terms and appointments of its members and Chairman are
25 terminated; and

1 ~~(Ch. 38, rep. pars. 209-1 through 209-16)~~

2 (c) "An Act creating an Illinois Law Enforcement Commission
3 and defining its powers and duties", approved September 20,
4 1977, as now or hereafter amended, is repealed.

5 (Source: P.A. 82-1039; revised 11-14-13.)

6 Section 145. The Violence Prevention Task Force Act is
7 amended by changing Section 5 as follows:

8 (20 ILCS 4028/5)

9 Sec. 5. Violence Prevention Task Force; members.

10 (a) There is created the Violence Prevention Task Force
11 (hereinafter referred to as the Task Force) consisting of 6
12 members appointed as follows:

13 (1) one member of the Senate appointed by the
14 President of the Senate;

15 (2) one member of the Senate appointed by the
16 Minority Leader of the Senate;

17 (3) one member of the House of Representatives
18 appointed by the Speaker of the House of
19 Representatives;

20 (4) one member of the House of Representatives
21 appointed by the Minority Leader of the House of
22 Representatives; and

23 (5) 2 members appointed by the Governor, one of
24 whom shall be designated the chairperson by the

1 Governor.

2 (b) The members of the Task Force shall serve without
3 compensation but shall be reimbursed for their reasonable and
4 necessary expenses from funds appropriated for that purpose.

5 (c) The Task Force may employ skilled experts with the
6 approval of the chairperson, and shall receive the cooperation
7 of those State agencies it deems appropriate to assist the Task
8 Force in carrying out its duties.

9 (d) The Illinois African-American ~~African American~~ Family
10 Commission, the Illinois Department of Public Health, and the
11 Illinois Latino Family Commission shall provide administrative
12 and other support to the Task Force.

13 (Source: P.A. 98-194, eff. 8-7-13; revised 9-4-13.)

14 Section 150. The State Finance Act is amended by setting
15 forth and renumbering multiple versions of Sections 5.826,
16 5.827, 5i, and 6z-98 and by changing Section 25 as follows:

17 (30 ILCS 105/5.826)

18 Sec. 5.826. The Driver Services Administration Fund.

19 (Source: P.A. 97-1157, eff. 11-28-13.)

20 (30 ILCS 105/5.827)

21 Sec. 5.827. The Illinois State Museum Fund.

22 (Source: P.A. 97-1136, eff. 1-1-13; 98-463, eff. 8-16-13.)

1 (30 ILCS 105/5.830)

2 Sec. 5.830 ~~5.826~~. The Chicago State University Education
3 Improvement Fund.

4 (Source: P.A. 98-18, eff. 6-7-13; revised 10-17-13.)

5 (30 ILCS 105/5.831)

6 Sec. 5.831 ~~5.826~~. The Foreclosure Prevention Program
7 Graduated Fund.

8 (Source: P.A. 98-20, eff. 6-11-13; revised 10-17-13.)

9 (30 ILCS 105/5.832)

10 Sec. 5.832 ~~5.826~~. The Mines and Minerals Regulatory Fund.

11 (Source: P.A. 98-22, eff. 6-17-13; revised 10-17-13.)

12 (30 ILCS 105/5.833)

13 Sec. 5.833 ~~5.826~~. The Gang Crime Witness Protection Program
14 Fund.

15 (Source: P.A. 98-58, eff. 7-8-13; revised 10-17-13.)

16 (30 ILCS 105/5.834)

17 Sec. 5.834 ~~5.826~~. The Mental Health Reporting Fund.

18 (Source: P.A. 98-63, eff. 7-9-13; revised 10-17-13.)

19 (30 ILCS 105/5.835)

20 Sec. 5.835 ~~5.826~~. The National Wild Turkey Federation Fund.

21 (Source: P.A. 98-66, eff. 1-1-14; revised 10-17-13.)

1 (30 ILCS 105/5.836)

2 Sec. 5.836 ~~5.826~~. The Medicaid Research and Education
3 Support Fund.

4 (Source: P.A. 98-104, eff. 7-22-13; revised 10-17-13.)

5 (30 ILCS 105/5.837)

6 Sec. 5.837 ~~5.826~~. The South Suburban Airport Improvement
7 Fund.

8 (Source: P.A. 98-109, eff. 7-25-13; revised 10-17-13.)

9 (30 ILCS 105/5.838)

10 Sec. 5.838 ~~5.826~~. The Working Capital Revolving Loan Fund.

11 (Source: P.A. 98-117, eff. 7-30-13; revised 10-17-13.)

12 (30 ILCS 105/5.839)

13 Sec. 5.839 ~~5.826~~. The Compassionate Use of Medical Cannabis
14 Fund.

15 (Source: P.A. 98-122, eff. 1-1-14; revised 10-17-13.)

16 (30 ILCS 105/5.840)

17 Sec. 5.840 ~~5.826~~. The Illinois Nurses Foundation Fund.

18 (Source: P.A. 98-150, eff. 1-1-14; revised 10-17-13.)

19 (30 ILCS 105/5.841)

20 Sec. 5.841 ~~5.826~~. The American Red Cross Fund.

1 (Source: P.A. 98-151, eff. 1-1-14; revised 10-17-13.)

2 (30 ILCS 105/5.842)

3 Sec. 5.842 ~~5.826~~. The Illinois Police Benevolent and
4 Protective Association Fund.

5 (Source: P.A. 98-233, eff. 1-1-14; revised 10-17-13.)

6 (30 ILCS 105/5.843)

7 Sec. 5.843 ~~5.826~~. The Alzheimer's Awareness Fund.

8 (Source: P.A. 98-259, eff. 1-1-14; revised 10-17-13.)

9 (30 ILCS 105/5.844)

10 Sec. 5.844 ~~5.826~~. The Supreme Court Special Purposes Fund.

11 (Source: P.A. 98-324, eff. 10-1-13; revised 10-17-13.)

12 (30 ILCS 105/5.845)

13 Sec. 5.845 ~~5.826~~. The Access to Justice Fund.

14 (Source: P.A. 98-351, eff. 8-15-13; revised 10-17-13.)

15 (30 ILCS 105/5.846)

16 Sec. 5.846 ~~5.826~~. The Illinois Police K-9 Memorial Fund.

17 (Source: P.A. 98-360, eff. 1-1-14; revised 10-17-13.)

18 (30 ILCS 105/5.847)

19 Sec. 5.847 ~~5.826~~. The Public Safety Diver Fund.

20 (Source: P.A. 98-376, eff. 1-1-14; revised 10-17-13.)

1 (30 ILCS 105/5.848)

2 Sec. 5.848 ~~5.826~~. The Committed to a Cure Fund.

3 (Source: P.A. 98-382, eff. 1-1-14; revised 10-17-13.)

4 (30 ILCS 105/5.849)

5 Sec. 5.849 ~~5.826~~. The Illinois Sheriffs' Association
6 Scholarship and Training Fund.

7 (Source: P.A. 98-395, eff. 1-1-14; revised 10-17-13.)

8 (30 ILCS 105/5.850)

9 Sec. 5.850 ~~5.826~~. The Illinois State Police Memorial Park
10 Fund.

11 (Source: P.A. 98-469, eff. 8-16-13; revised 10-17-13.)

12 (30 ILCS 105/5.851)

13 Sec. 5.851 ~~5.826~~. The Amusement Ride and Patron Safety
14 Fund.

15 (Source: P.A. 98-541, eff. 8-23-13; revised 10-17-13.)

16 (30 ILCS 105/5.852)

17 Sec. 5.852 ~~5.827~~. The State Police Firearm Services Fund.

18 (Source: P.A. 98-63, eff. 7-9-13; revised 10-17-13.)

19 (30 ILCS 105/5.853)

20 Sec. 5.853 ~~5.827~~. The Curing Childhood Cancer Fund.

1 (Source: P.A. 98-66, eff. 1-1-14; revised 10-17-13.)

2 (30 ILCS 105/5.854)

3 Sec. 5.854 ~~5.827~~. The South Suburban Brownfields
4 Redevelopment Fund.

5 (Source: P.A. 98-109, eff. 7-25-13; revised 10-17-13.)

6 (30 ILCS 105/5i)

7 Sec. 5i. Transfers. Each year, the Governor's Office of
8 Management and Budget shall, at the time set forth for the
9 submission of the State budget under Section 50-5 of the State
10 Budget Law, provide to the Chairperson and the Minority
11 Spokesperson of each of the appropriations committees of the
12 House of Representatives and the Senate a report of (i) all
13 full fiscal year transfers from State general funds to any
14 other special fund of the State in the previous fiscal year and
15 during the current fiscal year to date, and (ii) all projected
16 full fiscal year transfers from State general funds to those
17 funds for the remainder of the current fiscal year and the next
18 fiscal year, based on estimates prepared by the Governor's
19 Office of Management and Budget. The report shall include a
20 detailed summary of the estimates upon which the projected
21 transfers are based. The report shall also indicate, for each
22 transfer:

23 (1) whether or not there is statutory authority for the
24 transfer;

1 (2) if there is statutory authority for the transfer,
2 whether that statutory authority exists for the next fiscal
3 year; and

4 (3) whether there is debt service associated with the
5 transfer.

6 The General Assembly shall consider the report in the
7 appropriations process.

8 (Source: P.A. 98-24, eff. 6-19-13.)

9 (30 ILCS 105/5j)

10 Sec. 5j ~~5i~~. Closure of State mental health facilities or
11 developmental disabilities facilities. Consistent with the
12 provisions of Sections 4.4 and 4.5 of the Community Services
13 Act, whenever a State mental health facility operated by the
14 Department of Human Services or a State developmental
15 disabilities facility operated by the Department of Human
16 Services is closed, the Department of Human Services, at the
17 direction of the Governor, shall transfer funds from the closed
18 facility to the appropriate line item providing appropriation
19 authority for the new venue of care to facilitate the
20 transition of services to the new venue of care, provided that
21 the new venue of care is a Department of Human Services funded
22 provider or facility.

23 As used in this Section, the terms "mental health facility"
24 and "developmental disabilities facility" have the meanings
25 ascribed to those terms in the Mental Health and Developmental

1 Disabilities Code.

2 (Source: P.A. 98-403, eff. 1-1-14; revised 10-17-13.)

3 (30 ILCS 105/6z-98)

4 Sec. 6z-98. The Chicago State University Education
5 Improvement Fund. The Chicago State University Education
6 Improvement Fund is hereby created as a special fund in the
7 State treasury. The moneys deposited into the Fund shall be
8 used by Chicago State University, subject to appropriation, for
9 expenses incurred by the University. All interest earned on
10 moneys in the Fund shall remain in the Fund.

11 (Source: P.A. 98-18, eff. 6-7-13.)

12 (30 ILCS 105/6z-99)

13 Sec. 6z-99 ~~6z-98~~. The Mental Health Reporting Fund.

14 (a) There is created in the State treasury a special fund
15 known as the Mental Health Reporting Fund. The Fund shall
16 receive revenue under the Firearm Concealed Carry Act. The Fund
17 may also receive revenue from grants, pass-through grants,
18 donations, appropriations, and any other legal source.

19 (b) The Department of State Police and Department of Human
20 Services shall coordinate to use moneys in the Fund to finance
21 their respective duties of collecting and reporting data on
22 mental health records and ensuring that mental health firearm
23 possession prohibitors are enforced as set forth under the
24 Firearm Concealed Carry Act and the Firearm Owners

1 Identification Card Act. Any surplus in the Fund beyond what is
2 necessary to ensure compliance with mental health reporting
3 under these Acts shall be used by the Department of Human
4 Services for mental health treatment programs.

5 (c) Investment income that is attributable to the
6 investment of moneys in the Fund shall be retained in the Fund
7 for the uses specified in this Section.

8 (Source: P.A. 98-63, eff. 7-9-13; revised 7-19-13.)

9 (30 ILCS 105/25) (from Ch. 127, par. 161)

10 Sec. 25. Fiscal year limitations.

11 (a) All appropriations shall be available for expenditure
12 for the fiscal year or for a lesser period if the Act making
13 that appropriation so specifies. A deficiency or emergency
14 appropriation shall be available for expenditure only through
15 June 30 of the year when the Act making that appropriation is
16 enacted unless that Act otherwise provides.

17 (b) Outstanding liabilities as of June 30, payable from
18 appropriations which have otherwise expired, may be paid out of
19 the expiring appropriations during the 2-month period ending at
20 the close of business on August 31. Any service involving
21 professional or artistic skills or any personal services by an
22 employee whose compensation is subject to income tax
23 withholding must be performed as of June 30 of the fiscal year
24 in order to be considered an "outstanding liability as of June
25 30" that is thereby eligible for payment out of the expiring

1 appropriation.

2 (b-1) However, payment of tuition reimbursement claims
3 under Section 14-7.03 or 18-3 of the School Code may be made by
4 the State Board of Education from its appropriations for those
5 respective purposes for any fiscal year, even though the claims
6 reimbursed by the payment may be claims attributable to a prior
7 fiscal year, and payments may be made at the direction of the
8 State Superintendent of Education from the fund from which the
9 appropriation is made without regard to any fiscal year
10 limitations, except as required by subsection (j) of this
11 Section. Beginning on June 30, 2021, payment of tuition
12 reimbursement claims under Section 14-7.03 or 18-3 of the
13 School Code as of June 30, payable from appropriations that
14 have otherwise expired, may be paid out of the expiring
15 appropriation during the 4-month period ending at the close of
16 business on October 31.

17 (b-2) All outstanding liabilities as of June 30, 2010,
18 payable from appropriations that would otherwise expire at the
19 conclusion of the lapse period for fiscal year 2010, and
20 interest penalties payable on those liabilities under the State
21 Prompt Payment Act, may be paid out of the expiring
22 appropriations until December 31, 2010, without regard to the
23 fiscal year in which the payment is made, as long as vouchers
24 for the liabilities are received by the Comptroller no later
25 than August 31, 2010.

26 (b-2.5) All outstanding liabilities as of June 30, 2011,

1 payable from appropriations that would otherwise expire at the
2 conclusion of the lapse period for fiscal year 2011, and
3 interest penalties payable on those liabilities under the State
4 Prompt Payment Act, may be paid out of the expiring
5 appropriations until December 31, 2011, without regard to the
6 fiscal year in which the payment is made, as long as vouchers
7 for the liabilities are received by the Comptroller no later
8 than August 31, 2011.

9 (b-2.6) All outstanding liabilities as of June 30, 2012,
10 payable from appropriations that would otherwise expire at the
11 conclusion of the lapse period for fiscal year 2012, and
12 interest penalties payable on those liabilities under the State
13 Prompt Payment Act, may be paid out of the expiring
14 appropriations until December 31, 2012, without regard to the
15 fiscal year in which the payment is made, as long as vouchers
16 for the liabilities are received by the Comptroller no later
17 than August 31, 2012.

18 (b-2.7) For fiscal years 2012, 2013, and 2014, interest
19 penalties payable under the State Prompt Payment Act associated
20 with a voucher for which payment is issued after June 30 may be
21 paid out of the next fiscal year's appropriation. The future
22 year appropriation must be for the same purpose and from the
23 same fund as the original payment. An interest penalty voucher
24 submitted against a future year appropriation must be submitted
25 within 60 days after the issuance of the associated voucher,
26 and the Comptroller must issue the interest payment within 60

1 days after acceptance of the interest voucher.

2 (b-3) Medical payments may be made by the Department of
3 Veterans' Affairs from its appropriations for those purposes
4 for any fiscal year, without regard to the fact that the
5 medical services being compensated for by such payment may have
6 been rendered in a prior fiscal year, except as required by
7 subsection (j) of this Section. Beginning on June 30, 2021,
8 medical payments payable from appropriations that have
9 otherwise expired may be paid out of the expiring appropriation
10 during the 4-month period ending at the close of business on
11 October 31.

12 (b-4) Medical payments and child care payments may be made
13 by the Department of Human Services (as successor to the
14 Department of Public Aid) from appropriations for those
15 purposes for any fiscal year, without regard to the fact that
16 the medical or child care services being compensated for by
17 such payment may have been rendered in a prior fiscal year; and
18 payments may be made at the direction of the Department of
19 Healthcare and Family Services (or successor agency) from the
20 Health Insurance Reserve Fund without regard to any fiscal year
21 limitations, except as required by subsection (j) of this
22 Section. Beginning on June 30, 2021, medical and child care
23 payments made by the Department of Human Services and payments
24 made at the discretion of the Department of Healthcare and
25 Family Services (or successor agency) from the Health Insurance
26 Reserve Fund and payable from appropriations that have

1 otherwise expired may be paid out of the expiring appropriation
2 during the 4-month period ending at the close of business on
3 October 31.

4 (b-5) Medical payments may be made by the Department of
5 Human Services from its appropriations relating to substance
6 abuse treatment services for any fiscal year, without regard to
7 the fact that the medical services being compensated for by
8 such payment may have been rendered in a prior fiscal year,
9 provided the payments are made on a fee-for-service basis
10 consistent with requirements established for Medicaid
11 reimbursement by the Department of Healthcare and Family
12 Services, except as required by subsection (j) of this Section.
13 Beginning on June 30, 2021, medical payments made by the
14 Department of Human Services relating to substance abuse
15 treatment services payable from appropriations that have
16 otherwise expired may be paid out of the expiring appropriation
17 during the 4-month period ending at the close of business on
18 October 31.

19 (b-6) Additionally, payments may be made by the Department
20 of Human Services from its appropriations, or any other State
21 agency from its appropriations with the approval of the
22 Department of Human Services, from the Immigration Reform and
23 Control Fund for purposes authorized pursuant to the
24 Immigration Reform and Control Act of 1986, without regard to
25 any fiscal year limitations, except as required by subsection
26 (j) of this Section. Beginning on June 30, 2021, payments made

1 by the Department of Human Services from the Immigration Reform
2 and Control Fund for purposes authorized pursuant to the
3 Immigration Reform and Control Act of 1986 payable from
4 appropriations that have otherwise expired may be paid out of
5 the expiring appropriation during the 4-month period ending at
6 the close of business on October 31.

7 (b-7) Payments may be made in accordance with a plan
8 authorized by paragraph (11) or (12) of Section 405-105 of the
9 Department of Central Management Services Law from
10 appropriations for those payments without regard to fiscal year
11 limitations.

12 (b-8) Reimbursements to eligible airport sponsors for the
13 construction or upgrading of Automated Weather Observation
14 Systems may be made by the Department of Transportation from
15 appropriations for those purposes for any fiscal year, without
16 regard to the fact that the qualification or obligation may
17 have occurred in a prior fiscal year, provided that at the time
18 the expenditure was made the project had been approved by the
19 Department of Transportation prior to June 1, 2012 and, as a
20 result of recent changes in federal funding formulas, can no
21 longer receive federal reimbursement.

22 (b-9) Medical payments not exceeding \$150,000,000 may be
23 made by the Department on Aging from its appropriations
24 relating to the Community Care Program for fiscal year 2014,
25 without regard to the fact that the medical services being
26 compensated for by such payment may have been rendered in a

1 prior fiscal year, provided the payments are made on a
2 fee-for-service basis consistent with requirements established
3 for Medicaid reimbursement by the Department of Healthcare and
4 Family Services, except as required by subsection (j) of this
5 Section.

6 (c) Further, payments may be made by the Department of
7 Public Health and the Department of Human Services (acting as
8 successor to the Department of Public Health under the
9 Department of Human Services Act) from their respective
10 appropriations for grants for medical care to or on behalf of
11 premature and high-mortality risk infants and their mothers and
12 for grants for supplemental food supplies provided under the
13 United States Department of Agriculture Women, Infants and
14 Children Nutrition Program, for any fiscal year without regard
15 to the fact that the services being compensated for by such
16 payment may have been rendered in a prior fiscal year, except
17 as required by subsection (j) of this Section. Beginning on
18 June 30, 2021, payments made by the Department of Public Health
19 and the Department of Human Services from their respective
20 appropriations for grants for medical care to or on behalf of
21 premature and high-mortality risk infants and their mothers and
22 for grants for supplemental food supplies provided under the
23 United States Department of Agriculture Women, Infants and
24 Children Nutrition Program payable from appropriations that
25 have otherwise expired may be paid out of the expiring
26 appropriations during the 4-month period ending at the close of

1 business on October 31.

2 (d) The Department of Public Health and the Department of
3 Human Services (acting as successor to the Department of Public
4 Health under the Department of Human Services Act) shall each
5 annually submit to the State Comptroller, Senate President,
6 Senate Minority Leader, Speaker of the House, House Minority
7 Leader, and the respective Chairmen and Minority Spokesmen of
8 the Appropriations Committees of the Senate and the House, on
9 or before December 31, a report of fiscal year funds used to
10 pay for services provided in any prior fiscal year. This report
11 shall document by program or service category those
12 expenditures from the most recently completed fiscal year used
13 to pay for services provided in prior fiscal years.

14 (e) The Department of Healthcare and Family Services, the
15 Department of Human Services (acting as successor to the
16 Department of Public Aid), and the Department of Human Services
17 making fee-for-service payments relating to substance abuse
18 treatment services provided during a previous fiscal year shall
19 each annually submit to the State Comptroller, Senate
20 President, Senate Minority Leader, Speaker of the House, House
21 Minority Leader, the respective Chairmen and Minority
22 Spokesmen of the Appropriations Committees of the Senate and
23 the House, on or before November 30, a report that shall
24 document by program or service category those expenditures from
25 the most recently completed fiscal year used to pay for (i)
26 services provided in prior fiscal years and (ii) services for

1 which claims were received in prior fiscal years.

2 (f) The Department of Human Services (as successor to the
3 Department of Public Aid) shall annually submit to the State
4 Comptroller, Senate President, Senate Minority Leader, Speaker
5 of the House, House Minority Leader, and the respective
6 Chairmen and Minority Spokesmen of the Appropriations
7 Committees of the Senate and the House, on or before December
8 31, a report of fiscal year funds used to pay for services
9 (other than medical care) provided in any prior fiscal year.
10 This report shall document by program or service category those
11 expenditures from the most recently completed fiscal year used
12 to pay for services provided in prior fiscal years.

13 (g) In addition, each annual report required to be
14 submitted by the Department of Healthcare and Family Services
15 under subsection (e) shall include the following information
16 with respect to the State's Medicaid program:

17 (1) Explanations of the exact causes of the variance
18 between the previous year's estimated and actual
19 liabilities.

20 (2) Factors affecting the Department of Healthcare and
21 Family Services' liabilities, including but not limited to
22 numbers of aid recipients, levels of medical service
23 utilization by aid recipients, and inflation in the cost of
24 medical services.

25 (3) The results of the Department's efforts to combat
26 fraud and abuse.

1 (h) As provided in Section 4 of the General Assembly
2 Compensation Act, any utility bill for service provided to a
3 General Assembly member's district office for a period
4 including portions of 2 consecutive fiscal years may be paid
5 from funds appropriated for such expenditure in either fiscal
6 year.

7 (i) An agency which administers a fund classified by the
8 Comptroller as an internal service fund may issue rules for:

9 (1) billing user agencies in advance for payments or
10 authorized inter-fund transfers based on estimated charges
11 for goods or services;

12 (2) issuing credits, refunding through inter-fund
13 transfers, or reducing future inter-fund transfers during
14 the subsequent fiscal year for all user agency payments or
15 authorized inter-fund transfers received during the prior
16 fiscal year which were in excess of the final amounts owed
17 by the user agency for that period; and

18 (3) issuing catch-up billings to user agencies during
19 the subsequent fiscal year for amounts remaining due when
20 payments or authorized inter-fund transfers received from
21 the user agency during the prior fiscal year were less than
22 the total amount owed for that period.

23 User agencies are authorized to reimburse internal service
24 funds for catch-up billings by vouchers drawn against their
25 respective appropriations for the fiscal year in which the
26 catch-up billing was issued or by increasing an authorized

1 inter-fund transfer during the current fiscal year. For the
2 purposes of this Act, "inter-fund transfers" means transfers
3 without the use of the voucher-warrant process, as authorized
4 by Section 9.01 of the State Comptroller Act.

5 (i-1) Beginning on July 1, 2021, all outstanding
6 liabilities, not payable during the 4-month lapse period as
7 described in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and
8 (c) of this Section, that are made from appropriations for that
9 purpose for any fiscal year, without regard to the fact that
10 the services being compensated for by those payments may have
11 been rendered in a prior fiscal year, are limited to only those
12 claims that have been incurred but for which a proper bill or
13 invoice as defined by the State Prompt Payment Act has not been
14 received by September 30th following the end of the fiscal year
15 in which the service was rendered.

16 (j) Notwithstanding any other provision of this Act, the
17 aggregate amount of payments to be made without regard for
18 fiscal year limitations as contained in subsections (b-1),
19 (b-3), (b-4), (b-5), (b-6), and (c) of this Section, and
20 determined by using Generally Accepted Accounting Principles,
21 shall not exceed the following amounts:

22 (1) \$6,000,000,000 for outstanding liabilities related
23 to fiscal year 2012;

24 (2) \$5,300,000,000 for outstanding liabilities related
25 to fiscal year 2013;

26 (3) \$4,600,000,000 for outstanding liabilities related

1 to fiscal year 2014;

2 (4) \$4,000,000,000 for outstanding liabilities related
3 to fiscal year 2015;

4 (5) \$3,300,000,000 for outstanding liabilities related
5 to fiscal year 2016;

6 (6) \$2,600,000,000 for outstanding liabilities related
7 to fiscal year 2017;

8 (7) \$2,000,000,000 for outstanding liabilities related
9 to fiscal year 2018;

10 (8) \$1,300,000,000 for outstanding liabilities related
11 to fiscal year 2019;

12 (9) \$600,000,000 for outstanding liabilities related
13 to fiscal year 2020; and

14 (10) \$0 for outstanding liabilities related to fiscal
15 year 2021 and fiscal years thereafter.

16 (k) Department of Healthcare and Family Services Medical
17 Assistance Payments.

18 (1) Definition of Medical Assistance.

19 For purposes of this subsection, the term "Medical
20 Assistance" shall include, but not necessarily be
21 limited to, medical programs and services authorized
22 under Titles XIX and XXI of the Social Security Act,
23 the Illinois Public Aid Code, the Children's Health
24 Insurance Program Act, the Covering ALL KIDS Health
25 Insurance Act, the Long Term Acute Care Hospital
26 Quality Improvement Transfer Program Act, and medical

1 care to or on behalf of persons suffering from chronic
2 renal disease, persons suffering from hemophilia, and
3 victims of sexual assault.

4 (2) Limitations on Medical Assistance payments that
5 may be paid from future fiscal year appropriations.

6 (A) The maximum amounts of annual unpaid Medical
7 Assistance bills received and recorded by the
8 Department of Healthcare and Family Services on or
9 before June 30th of a particular fiscal year
10 attributable in aggregate to the General Revenue Fund,
11 Healthcare Provider Relief Fund, Tobacco Settlement
12 Recovery Fund, Long-Term Care Provider Fund, and the
13 Drug Rebate Fund that may be paid in total by the
14 Department from future fiscal year Medical Assistance
15 appropriations to those funds are: \$700,000,000 for
16 fiscal year 2013 and \$100,000,000 for fiscal year 2014
17 and each fiscal year thereafter.

18 (B) Bills for Medical Assistance services rendered
19 in a particular fiscal year, but received and recorded
20 by the Department of Healthcare and Family Services
21 after June 30th of that fiscal year, may be paid from
22 either appropriations for that fiscal year or future
23 fiscal year appropriations for Medical Assistance.
24 Such payments shall not be subject to the requirements
25 of subparagraph (A).

26 (C) Medical Assistance bills received by the

1 Department of Healthcare and Family Services in a
2 particular fiscal year, but subject to payment amount
3 adjustments in a future fiscal year may be paid from a
4 future fiscal year's appropriation for Medical
5 Assistance. Such payments shall not be subject to the
6 requirements of subparagraph (A).

7 (D) Medical Assistance payments made by the
8 Department of Healthcare and Family Services from
9 funds other than those specifically referenced in
10 subparagraph (A) may be made from appropriations for
11 those purposes for any fiscal year without regard to
12 the fact that the Medical Assistance services being
13 compensated for by such payment may have been rendered
14 in a prior fiscal year. Such payments shall not be
15 subject to the requirements of subparagraph (A).

16 (3) Extended lapse period for Department of Healthcare
17 and Family Services Medical Assistance payments.
18 Notwithstanding any other State law to the contrary,
19 outstanding Department of Healthcare and Family Services
20 Medical Assistance liabilities, as of June 30th, payable
21 from appropriations which have otherwise expired, may be
22 paid out of the expiring appropriations during the 6-month
23 period ending at the close of business on December 31st.

24 (1) The changes to this Section made by Public Act 97-691
25 shall be effective for payment of Medical Assistance bills
26 incurred in fiscal year 2013 and future fiscal years. The

1 changes to this Section made by Public Act 97-691 shall not be
2 applied to Medical Assistance bills incurred in fiscal year
3 2012 or prior fiscal years.

4 (m) The Comptroller must issue payments against
5 outstanding liabilities that were received prior to the lapse
6 period deadlines set forth in this Section as soon thereafter
7 as practical, but no payment may be issued after the 4 months
8 following the lapse period deadline without the signed
9 authorization of the Comptroller and the Governor.

10 (Source: P.A. 97-75, eff. 6-30-11; 97-333, eff. 8-12-11;
11 97-691, eff. 7-1-12; 97-732, eff. 6-30-12; 97-932, eff.
12 8-10-12; 98-8, eff. 5-3-13; 98-24, eff. 6-19-13; 98-215, eff.
13 8-9-13; 98-463, eff. 8-16-13; revised 9-9-13.)

14 Section 155. The Public Funds Investment Act is amended by
15 changing Sections 2 and 6.5 as follows:

16 (30 ILCS 235/2) (from Ch. 85, par. 902)

17 Sec. 2. Authorized investments.

18 (a) Any public agency may invest any public funds as
19 follows:

20 (1) in bonds, notes, certificates of indebtedness,
21 treasury bills or other securities now or hereafter issued,
22 which are guaranteed by the full faith and credit of the
23 United States of America as to principal and interest;

24 (2) in bonds, notes, debentures, or other similar

1 obligations of the United States of America, its agencies,
2 and its instrumentalities;

3 (3) in interest-bearing savings accounts,
4 interest-bearing certificates of deposit or
5 interest-bearing time deposits or any other investments
6 constituting direct obligations of any bank as defined by
7 the Illinois Banking Act;

8 (4) in short term obligations of corporations
9 organized in the United States with assets exceeding
10 \$500,000,000 if (i) such obligations are rated at the time
11 of purchase at one of the 3 highest classifications
12 established by at least 2 standard rating services and
13 which mature not later than 270 days from the date of
14 purchase, (ii) such purchases do not exceed 10% of the
15 corporation's outstanding obligations and (iii) no more
16 than one-third of the public agency's funds may be invested
17 in short term obligations of corporations; or

18 (5) in money market mutual funds registered under the
19 Investment Company Act of 1940, provided that the portfolio
20 of any such money market mutual fund is limited to
21 obligations described in paragraph (1) or (2) of this
22 subsection and to agreements to repurchase such
23 obligations.

24 (a-1) In addition to any other investments authorized under
25 this Act, a municipality, park district, forest preserve
26 district, conservation district, county, or other governmental

1 unit may invest its public funds in interest bearing bonds of
2 any county, township, city, village, incorporated town,
3 municipal corporation, or school district, of the State of
4 Illinois, of any other state, or of any political subdivision
5 or agency of the State of Illinois or of any other state,
6 whether the interest earned thereon is taxable or tax-exempt
7 under federal law. The bonds shall be registered in the name of
8 the municipality, park district, forest preserve district,
9 conservation district, county, or other governmental unit, or
10 held under a custodial agreement at a bank. The bonds shall be
11 rated at the time of purchase within the 4 highest general
12 classifications established by a rating service of nationally
13 recognized expertise in rating bonds of states and their
14 political subdivisions.

15 (b) Investments may be made only in banks which are insured
16 by the Federal Deposit Insurance Corporation. Any public agency
17 may invest any public funds in short term discount obligations
18 of the Federal National Mortgage Association or in shares or
19 other forms of securities legally issuable by savings banks or
20 savings and loan associations incorporated under the laws of
21 this State or any other state or under the laws of the United
22 States. Investments may be made only in those savings banks or
23 savings and loan associations the shares, or investment
24 certificates of which are insured by the Federal Deposit
25 Insurance Corporation. Any such securities may be purchased at
26 the offering or market price thereof at the time of such

1 purchase. All such securities so purchased shall mature or be
2 redeemable on a date or dates prior to the time when, in the
3 judgment of such governing authority, the public funds so
4 invested will be required for expenditure by such public agency
5 or its governing authority. The expressed judgment of any such
6 governing authority as to the time when any public funds will
7 be required for expenditure or be redeemable is final and
8 conclusive. Any public agency may invest any public funds in
9 dividend-bearing share accounts, share certificate accounts or
10 class of share accounts of a credit union chartered under the
11 laws of this State or the laws of the United States; provided,
12 however, the principal office of any such credit union must be
13 located within the State of Illinois. Investments may be made
14 only in those credit unions the accounts of which are insured
15 by applicable law.

16 (c) For purposes of this Section, the term "agencies of the
17 United States of America" includes: (i) the federal land banks,
18 federal intermediate credit banks, banks for cooperative,
19 federal farm credit banks, or any other entity authorized to
20 issue debt obligations under the Farm Credit Act of 1971 (12
21 U.S.C. 2001 et seq.) and Acts amendatory thereto; (ii) the
22 federal home loan banks and the federal home loan mortgage
23 corporation; and (iii) any other agency created by Act of
24 Congress.

25 (d) Except for pecuniary interests permitted under
26 subsection (f) of Section 3-14-4 of the Illinois Municipal Code

1 or under Section 3.2 of the Public Officer Prohibited Practices
2 Act, no person acting as treasurer or financial officer or who
3 is employed in any similar capacity by or for a public agency
4 may do any of the following:

5 (1) have any interest, directly or indirectly, in any
6 investments in which the agency is authorized to invest.

7 (2) have any interest, directly or indirectly, in the
8 sellers, sponsors, or managers of those investments.

9 (3) receive, in any manner, compensation of any kind
10 from any investments in which the agency is authorized to
11 invest.

12 (e) Any public agency may also invest any public funds in a
13 Public Treasurers' Investment Pool created under Section 17 of
14 the State Treasurer Act. Any public agency may also invest any
15 public funds in a fund managed, operated, and administered by a
16 bank, subsidiary of a bank, or subsidiary of a bank holding
17 company or use the services of such an entity to hold and
18 invest or advise regarding the investment of any public funds.

19 (f) To the extent a public agency has custody of funds not
20 owned by it or another public agency and does not otherwise
21 have authority to invest such funds, the public agency may
22 invest such funds as if they were its own. Such funds must be
23 released to the appropriate person at the earliest reasonable
24 time, but in no case exceeding 31 days, after the private
25 person becomes entitled to the receipt of them. All earnings
26 accruing on any investments or deposits made pursuant to the

1 provisions of this Act shall be credited to the public agency
2 by or for which such investments or deposits were made, except
3 as provided otherwise in Section 4.1 of the State Finance Act
4 or the Local Governmental Tax Collection Act, and except where
5 by specific statutory provisions such earnings are directed to
6 be credited to and paid to a particular fund.

7 (g) A public agency may purchase or invest in repurchase
8 agreements of government securities having the meaning set out
9 in the Government Securities Act of 1986, as now or hereafter
10 amended or succeeded, subject to the provisions of said Act and
11 the regulations issued thereunder. The government securities,
12 unless registered or inscribed in the name of the public
13 agency, shall be purchased through banks or trust companies
14 authorized to do business in the State of Illinois.

15 (h) Except for repurchase agreements of government
16 securities which are subject to the Government Securities Act
17 of 1986, as now or hereafter amended or succeeded, no public
18 agency may purchase or invest in instruments which constitute
19 repurchase agreements, and no financial institution may enter
20 into such an agreement with or on behalf of any public agency
21 unless the instrument and the transaction meet the following
22 requirements:

23 (1) The securities, unless registered or inscribed in
24 the name of the public agency, are purchased through banks
25 or trust companies authorized to do business in the State
26 of Illinois.

1 (2) An authorized public officer after ascertaining
2 which firm will give the most favorable rate of interest,
3 directs the custodial bank to "purchase" specified
4 securities from a designated institution. The "custodial
5 bank" is the bank or trust company, or agency of
6 government, which acts for the public agency in connection
7 with repurchase agreements involving the investment of
8 funds by the public agency. The State Treasurer may act as
9 custodial bank for public agencies executing repurchase
10 agreements. To the extent the Treasurer acts in this
11 capacity, he is hereby authorized to pass through to such
12 public agencies any charges assessed by the Federal Reserve
13 Bank.

14 (3) A custodial bank must be a member bank of the
15 Federal Reserve System or maintain accounts with member
16 banks. All transfers of book-entry securities must be
17 accomplished on a Reserve Bank's computer records through a
18 member bank of the Federal Reserve System. These securities
19 must be credited to the public agency on the records of the
20 custodial bank and the transaction must be confirmed in
21 writing to the public agency by the custodial bank.

22 (4) Trading partners shall be limited to banks or trust
23 companies authorized to do business in the State of
24 Illinois or to registered primary reporting dealers.

25 (5) The security interest must be perfected.

26 (6) The public agency enters into a written master

1 repurchase agreement which outlines the basic
2 responsibilities and liabilities of both buyer and seller.

3 (7) Agreements shall be for periods of 330 days or
4 less.

5 (8) The authorized public officer of the public agency
6 informs the custodial bank in writing of the maturity
7 details of the repurchase agreement.

8 (9) The custodial bank must take delivery of and
9 maintain the securities in its custody for the account of
10 the public agency and confirm the transaction in writing to
11 the public agency. The Custodial Undertaking shall provide
12 that the custodian takes possession of the securities
13 exclusively for the public agency; that the securities are
14 free of any claims against the trading partner; and any
15 claims by the custodian are subordinate to the public
16 agency's claims to rights to those securities.

17 (10) The obligations purchased by a public agency may
18 only be sold or presented for redemption or payment by the
19 fiscal agent bank or trust company holding the obligations
20 upon the written instruction of the public agency or
21 officer authorized to make such investments.

22 (11) The custodial bank shall be liable to the public
23 agency for any monetary loss suffered by the public agency
24 due to the failure of the custodial bank to take and
25 maintain possession of such securities.

26 (i) Notwithstanding the foregoing restrictions on

1 investment in instruments constituting repurchase agreements
2 the Illinois Housing Development Authority may invest in, and
3 any financial institution with capital of at least \$250,000,000
4 may act as custodian for, instruments that constitute
5 repurchase agreements, provided that the Illinois Housing
6 Development Authority, in making each such investment,
7 complies with the safety and soundness guidelines for engaging
8 in repurchase transactions applicable to federally insured
9 banks, savings banks, savings and loan associations or other
10 depository institutions as set forth in the Federal Financial
11 Institutions Examination Council Policy Statement Regarding
12 Repurchase Agreements and any regulations issued, or which may
13 be issued by the supervisory federal authority pertaining
14 thereto and any amendments thereto; provided further that the
15 securities shall be either (i) direct general obligations of,
16 or obligations the payment of the principal of and/or interest
17 on which are unconditionally guaranteed by, the United States
18 of America or (ii) any obligations of any agency, corporation
19 or subsidiary thereof controlled or supervised by and acting as
20 an instrumentality of the United States Government pursuant to
21 authority granted by the Congress of the United States and
22 provided further that the security interest must be perfected
23 by either the Illinois Housing Development Authority, its
24 custodian or its agent receiving possession of the securities
25 either physically or transferred through a nationally
26 recognized book entry system.

1 (j) In addition to all other investments authorized under
2 this Section, a community college district may invest public
3 funds in any mutual funds that invest primarily in corporate
4 investment grade or global government short term bonds.
5 Purchases of mutual funds that invest primarily in global
6 government short term bonds shall be limited to funds with
7 assets of at least \$100 million and that are rated at the time
8 of purchase as one of the 10 highest classifications
9 established by a recognized rating service. The investments
10 shall be subject to approval by the local community college
11 board of trustees. Each community college board of trustees
12 shall develop a policy regarding the percentage of the
13 college's investment portfolio that can be invested in such
14 funds.

15 Nothing in this Section shall be construed to authorize an
16 intergovernmental risk management entity to accept the deposit
17 of public funds except for risk management purposes.

18 (Source: P.A. 97-129, eff. 7-14-11; 98-297, eff. 1-1-14;
19 98-390, eff. 8-16-13; revised 9-10-13.)

20 (30 ILCS 235/6.5)

21 Sec. 6.5. Federally insured deposits at Illinois financial
22 institutions.

23 (a) Notwithstanding any other provision of this Act or any
24 other statute, whenever a public agency invests public funds in
25 an interest-bearing savings account, interest-bearing

1 certificate of deposit, or interest-bearing time deposit under
2 Section 2 of this Act, the provisions of Section 6 of this Act
3 and any other statutory requirements pertaining to the
4 eligibility of a bank to receive or hold public deposits or to
5 the pledging of collateral by a bank to secure public deposits
6 do not apply to any bank receiving or holding all or part of
7 the invested public funds if (i) the public agency initiates
8 the investment at or through a bank located in Illinois and
9 (ii) the invested public funds are at all times ~~time~~ fully
10 insured by an agency or instrumentality of the federal
11 government.

12 (b) Nothing in this Section is intended to:

13 (1) prohibit a public agency from requiring the bank at
14 or through which the investment of public funds is
15 initiated to provide the public agency with the information
16 otherwise required by subsection ~~subsections~~ (a), (b), or
17 (c) of Section 6 of this Act as a condition of investing
18 the public funds at or through that bank; or

19 (2) permit a bank to receive or hold public deposits if
20 that bank is prohibited from doing so by any rule,
21 sanction, or order issued by a regulatory agency or by a
22 court.

23 (c) For purposes of this Section, the term "bank" includes
24 any person doing a banking business whether subject to the laws
25 of this or any other jurisdiction.

26 (Source: P.A. 93-756, eff. 7-16-04; revised 10-7-13.)

1 Section 160. The Illinois Procurement Code is amended by
2 changing Section 1-10 as follows:

3 (30 ILCS 500/1-10)

4 Sec. 1-10. Application.

5 (a) This Code applies only to procurements for which
6 contractors were first solicited on or after July 1, 1998. This
7 Code shall not be construed to affect or impair any contract,
8 or any provision of a contract, entered into based on a
9 solicitation prior to the implementation date of this Code as
10 described in Article 99, including but not limited to any
11 covenant entered into with respect to any revenue bonds or
12 similar instruments. All procurements for which contracts are
13 solicited between the effective date of Articles 50 and 99 and
14 July 1, 1998 shall be substantially in accordance with this
15 Code and its intent.

16 (b) This Code shall apply regardless of the source of the
17 funds with which the contracts are paid, including federal
18 assistance moneys. This Code shall not apply to:

19 (1) Contracts between the State and its political
20 subdivisions or other governments, or between State
21 governmental bodies except as specifically provided in
22 this Code.

23 (2) Grants, except for the filing requirements of
24 Section 20-80.

1 (3) Purchase of care.

2 (4) Hiring of an individual as employee and not as an
3 independent contractor, whether pursuant to an employment
4 code or policy or by contract directly with that
5 individual.

6 (5) Collective bargaining contracts.

7 (6) Purchase of real estate, except that notice of this
8 type of contract with a value of more than \$25,000 must be
9 published in the Procurement Bulletin within 7 days after
10 the deed is recorded in the county of jurisdiction. The
11 notice shall identify the real estate purchased, the names
12 of all parties to the contract, the value of the contract,
13 and the effective date of the contract.

14 (7) Contracts necessary to prepare for anticipated
15 litigation, enforcement actions, or investigations,
16 provided that the chief legal counsel to the Governor shall
17 give his or her prior approval when the procuring agency is
18 one subject to the jurisdiction of the Governor, and
19 provided that the chief legal counsel of any other
20 procuring entity subject to this Code shall give his or her
21 prior approval when the procuring entity is not one subject
22 to the jurisdiction of the Governor.

23 (8) Contracts for services to Northern Illinois
24 University by a person, acting as an independent
25 contractor, who is qualified by education, experience, and
26 technical ability and is selected by negotiation for the

1 purpose of providing non-credit educational service
2 activities or products by means of specialized programs
3 offered by the university.

4 (9) Procurement expenditures by the Illinois
5 Conservation Foundation when only private funds are used.

6 (10) Procurement expenditures by the Illinois Health
7 Information Exchange Authority involving private funds
8 from the Health Information Exchange Fund. "Private funds"
9 means gifts, donations, and private grants.

10 (11) Public-private agreements entered into according
11 to the procurement requirements of Section 20 of the
12 Public-Private Partnerships for Transportation Act and
13 design-build agreements entered into according to the
14 procurement requirements of Section 25 of the
15 Public-Private Partnerships for Transportation Act.

16 (12) Contracts for legal, financial, and other
17 professional and artistic services entered into on or
18 before December 31, 2018 by the Illinois Finance Authority
19 in which the State of Illinois is not obligated. Such
20 contracts shall be awarded through a competitive process
21 authorized by the Board of the Illinois Finance Authority
22 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
23 50-35, and 50-37 of this Code, as well as the final
24 approval by the Board of the Illinois Finance Authority of
25 the terms of the contract.

26 Notwithstanding any other provision of law, contracts

1 entered into under item (12) of this subsection (b) shall be
2 published in the Procurement Bulletin within 14 days after
3 contract execution. The chief procurement officer shall
4 prescribe the form and content of the notice. The Illinois
5 Finance Authority shall provide the chief procurement officer,
6 on a monthly basis, in the form and content prescribed by the
7 chief procurement officer, a report of contracts that are
8 related to the procurement of goods and services identified in
9 item (12) of this subsection (b). At a minimum, this report
10 shall include the name of the contractor, a description of the
11 supply or service provided, the total amount of the contract,
12 the term of the contract, and the exception to the Code
13 utilized. A copy of each of these contracts shall be made
14 available to the chief procurement officer immediately upon
15 request. The chief procurement officer shall submit a report to
16 the Governor and General Assembly no later than November 1 of
17 each year that shall include, at a minimum, an annual summary
18 of the monthly information reported to the chief procurement
19 officer.

20 (c) This Code does not apply to the electric power
21 procurement process provided for under Section 1-75 of the
22 Illinois Power Agency Act and Section 16-111.5 of the Public
23 Utilities Act.

24 (d) Except for Section 20-160 and Article 50 of this Code,
25 and as expressly required by Section 9.1 of the Illinois
26 Lottery Law, the provisions of this Code do not apply to the

1 procurement process provided for under Section 9.1 of the
2 Illinois Lottery Law.

3 (e) This Code does not apply to the process used by the
4 Capital Development Board to retain a person or entity to
5 assist the Capital Development Board with its duties related to
6 the determination of costs of a clean coal SNG brownfield
7 facility, as defined by Section 1-10 of the Illinois Power
8 Agency Act, as required in subsection (h-3) of Section 9-220 of
9 the Public Utilities Act, including calculating the range of
10 capital costs, the range of operating and maintenance costs, or
11 the sequestration costs or monitoring the construction of clean
12 coal SNG brownfield facility for the full duration of
13 construction.

14 (f) This Code does not apply to the process used by the
15 Illinois Power Agency to retain a mediator to mediate sourcing
16 agreement disputes between gas utilities and the clean coal SNG
17 brownfield facility, as defined in Section 1-10 of the Illinois
18 Power Agency Act, as required under subsection (h-1) of Section
19 9-220 of the Public Utilities Act.

20 (g) This Code does not apply to the processes used by the
21 Illinois Power Agency to retain a mediator to mediate contract
22 disputes between gas utilities and the clean coal SNG facility
23 and to retain an expert to assist in the review of contracts
24 under subsection (h) of Section 9-220 of the Public Utilities
25 Act. This Code does not apply to the process used by the
26 Illinois Commerce Commission to retain an expert to assist in

1 determining the actual incurred costs of the clean coal SNG
2 facility and the reasonableness of those costs as required
3 under subsection (h) of Section 9-220 of the Public Utilities
4 Act.

5 (h) This Code does not apply to the process to procure or
6 contracts entered into in accordance with Sections 11-5.2 and
7 11-5.3 of the Illinois Public Aid Code.

8 (i) Each chief procurement officer may access records
9 necessary to review whether a contract, purchase, or other
10 expenditure is or is not subject to the provisions of this
11 Code, unless such records would be subject to attorney-client
12 privilege.

13 (j) This Code does not apply to the process used by the
14 Capital Development Board to retain an artist or work or works
15 of art as required in Section 14 of the Capital Development
16 Board Act.

17 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,
18 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;
19 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
20 98-572, eff. 1-1-14; revised 9-9-13.)

21 Section 165. The State Mandates Act is amended by changing
22 Section 8.37 as follows:

23 (30 ILCS 805/8.37)

24 Sec. 8.37. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by Public Act 98-218,
3 98-389, 98-391, 98-427, 98-599, or 98-622 ~~this amendatory Act~~
4 ~~of the 98th General Assembly.~~

5 (Source: P.A. 98-218, eff. 8-9-13; 98-389, eff. 8-16-13;
6 98-391, eff. 8-16-13; 98-427, eff. 8-16-13; 98-599, eff.
7 6-1-14; 98-622, eff. 6-1-14; revised 1-15-14.)

8 Section 170. The Illinois Income Tax Act is amended by
9 changing Sections 201 and 304 as follows:

10 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

11 Sec. 201. Tax Imposed.

12 (a) In general. A tax measured by net income is hereby
13 imposed on every individual, corporation, trust and estate for
14 each taxable year ending after July 31, 1969 on the privilege
15 of earning or receiving income in or as a resident of this
16 State. Such tax shall be in addition to all other occupation or
17 privilege taxes imposed by this State or by any municipal
18 corporation or political subdivision thereof.

19 (b) Rates. The tax imposed by subsection (a) of this
20 Section shall be determined as follows, except as adjusted by
21 subsection (d-1):

22 (1) In the case of an individual, trust or estate, for
23 taxable years ending prior to July 1, 1989, an amount equal
24 to 2 1/2% of the taxpayer's net income for the taxable

1 year.

2 (2) In the case of an individual, trust or estate, for
3 taxable years beginning prior to July 1, 1989 and ending
4 after June 30, 1989, an amount equal to the sum of (i) 2
5 1/2% of the taxpayer's net income for the period prior to
6 July 1, 1989, as calculated under Section 202.3, and (ii)
7 3% of the taxpayer's net income for the period after June
8 30, 1989, as calculated under Section 202.3.

9 (3) In the case of an individual, trust or estate, for
10 taxable years beginning after June 30, 1989, and ending
11 prior to January 1, 2011, an amount equal to 3% of the
12 taxpayer's net income for the taxable year.

13 (4) In the case of an individual, trust, or estate, for
14 taxable years beginning prior to January 1, 2011, and
15 ending after December 31, 2010, an amount equal to the sum
16 of (i) 3% of the taxpayer's net income for the period prior
17 to January 1, 2011, as calculated under Section 202.5, and
18 (ii) 5% of the taxpayer's net income for the period after
19 December 31, 2010, as calculated under Section 202.5.

20 (5) In the case of an individual, trust, or estate, for
21 taxable years beginning on or after January 1, 2011, and
22 ending prior to January 1, 2015, an amount equal to 5% of
23 the taxpayer's net income for the taxable year.

24 (5.1) In the case of an individual, trust, or estate,
25 for taxable years beginning prior to January 1, 2015, and
26 ending after December 31, 2014, an amount equal to the sum

1 of (i) 5% of the taxpayer's net income for the period prior
2 to January 1, 2015, as calculated under Section 202.5, and
3 (ii) 3.75% of the taxpayer's net income for the period
4 after December 31, 2014, as calculated under Section 202.5.

5 (5.2) In the case of an individual, trust, or estate,
6 for taxable years beginning on or after January 1, 2015,
7 and ending prior to January 1, 2025, an amount equal to
8 3.75% of the taxpayer's net income for the taxable year.

9 (5.3) In the case of an individual, trust, or estate,
10 for taxable years beginning prior to January 1, 2025, and
11 ending after December 31, 2024, an amount equal to the sum
12 of (i) 3.75% of the taxpayer's net income for the period
13 prior to January 1, 2025, as calculated under Section
14 202.5, and (ii) 3.25% of the taxpayer's net income for the
15 period after December 31, 2024, as calculated under Section
16 202.5.

17 (5.4) In the case of an individual, trust, or estate,
18 for taxable years beginning on or after January 1, 2025, an
19 amount equal to 3.25% of the taxpayer's net income for the
20 taxable year.

21 (6) In the case of a corporation, for taxable years
22 ending prior to July 1, 1989, an amount equal to 4% of the
23 taxpayer's net income for the taxable year.

24 (7) In the case of a corporation, for taxable years
25 beginning prior to July 1, 1989 and ending after June 30,
26 1989, an amount equal to the sum of (i) 4% of the

1 taxpayer's net income for the period prior to July 1, 1989,
2 as calculated under Section 202.3, and (ii) 4.8% of the
3 taxpayer's net income for the period after June 30, 1989,
4 as calculated under Section 202.3.

5 (8) In the case of a corporation, for taxable years
6 beginning after June 30, 1989, and ending prior to January
7 1, 2011, an amount equal to 4.8% of the taxpayer's net
8 income for the taxable year.

9 (9) In the case of a corporation, for taxable years
10 beginning prior to January 1, 2011, and ending after
11 December 31, 2010, an amount equal to the sum of (i) 4.8%
12 of the taxpayer's net income for the period prior to
13 January 1, 2011, as calculated under Section 202.5, and
14 (ii) 7% of the taxpayer's net income for the period after
15 December 31, 2010, as calculated under Section 202.5.

16 (10) In the case of a corporation, for taxable years
17 beginning on or after January 1, 2011, and ending prior to
18 January 1, 2015, an amount equal to 7% of the taxpayer's
19 net income for the taxable year.

20 (11) In the case of a corporation, for taxable years
21 beginning prior to January 1, 2015, and ending after
22 December 31, 2014, an amount equal to the sum of (i) 7% of
23 the taxpayer's net income for the period prior to January
24 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
25 of the taxpayer's net income for the period after December
26 31, 2014, as calculated under Section 202.5.

1 (12) In the case of a corporation, for taxable years
2 beginning on or after January 1, 2015, and ending prior to
3 January 1, 2025, an amount equal to 5.25% of the taxpayer's
4 net income for the taxable year.

5 (13) In the case of a corporation, for taxable years
6 beginning prior to January 1, 2025, and ending after
7 December 31, 2024, an amount equal to the sum of (i) 5.25%
8 of the taxpayer's net income for the period prior to
9 January 1, 2025, as calculated under Section 202.5, and
10 (ii) 4.8% of the taxpayer's net income for the period after
11 December 31, 2024, as calculated under Section 202.5.

12 (14) In the case of a corporation, for taxable years
13 beginning on or after January 1, 2025, an amount equal to
14 4.8% of the taxpayer's net income for the taxable year.

15 The rates under this subsection (b) are subject to the
16 provisions of Section 201.5.

17 (c) Personal Property Tax Replacement Income Tax.
18 Beginning on July 1, 1979 and thereafter, in addition to such
19 income tax, there is also hereby imposed the Personal Property
20 Tax Replacement Income Tax measured by net income on every
21 corporation (including Subchapter S corporations), partnership
22 and trust, for each taxable year ending after June 30, 1979.
23 Such taxes are imposed on the privilege of earning or receiving
24 income in or as a resident of this State. The Personal Property
25 Tax Replacement Income Tax shall be in addition to the income
26 tax imposed by subsections (a) and (b) of this Section and in

1 addition to all other occupation or privilege taxes imposed by
2 this State or by any municipal corporation or political
3 subdivision thereof.

4 (d) Additional Personal Property Tax Replacement Income
5 Tax Rates. The personal property tax replacement income tax
6 imposed by this subsection and subsection (c) of this Section
7 in the case of a corporation, other than a Subchapter S
8 corporation and except as adjusted by subsection (d-1), shall
9 be an additional amount equal to 2.85% of such taxpayer's net
10 income for the taxable year, except that beginning on January
11 1, 1981, and thereafter, the rate of 2.85% specified in this
12 subsection shall be reduced to 2.5%, and in the case of a
13 partnership, trust or a Subchapter S corporation shall be an
14 additional amount equal to 1.5% of such taxpayer's net income
15 for the taxable year.

16 (d-1) Rate reduction for certain foreign insurers. In the
17 case of a foreign insurer, as defined by Section 35A-5 of the
18 Illinois Insurance Code, whose state or country of domicile
19 imposes on insurers domiciled in Illinois a retaliatory tax
20 (excluding any insurer whose premiums from reinsurance assumed
21 are 50% or more of its total insurance premiums as determined
22 under paragraph (2) of subsection (b) of Section 304, except
23 that for purposes of this determination premiums from
24 reinsurance do not include premiums from inter-affiliate
25 reinsurance arrangements), beginning with taxable years ending
26 on or after December 31, 1999, the sum of the rates of tax

1 imposed by subsections (b) and (d) shall be reduced (but not
2 increased) to the rate at which the total amount of tax imposed
3 under this Act, net of all credits allowed under this Act,
4 shall equal (i) the total amount of tax that would be imposed
5 on the foreign insurer's net income allocable to Illinois for
6 the taxable year by such foreign insurer's state or country of
7 domicile if that net income were subject to all income taxes
8 and taxes measured by net income imposed by such foreign
9 insurer's state or country of domicile, net of all credits
10 allowed or (ii) a rate of zero if no such tax is imposed on such
11 income by the foreign insurer's state of domicile. For the
12 purposes of this subsection (d-1), an inter-affiliate includes
13 a mutual insurer under common management.

14 (1) For the purposes of subsection (d-1), in no event
15 shall the sum of the rates of tax imposed by subsections
16 (b) and (d) be reduced below the rate at which the sum of:

17 (A) the total amount of tax imposed on such foreign
18 insurer under this Act for a taxable year, net of all
19 credits allowed under this Act, plus

20 (B) the privilege tax imposed by Section 409 of the
21 Illinois Insurance Code, the fire insurance company
22 tax imposed by Section 12 of the Fire Investigation
23 Act, and the fire department taxes imposed under
24 Section 11-10-1 of the Illinois Municipal Code,
25 equals 1.25% for taxable years ending prior to December 31,
26 2003, or 1.75% for taxable years ending on or after

1 December 31, 2003, of the net taxable premiums written for
2 the taxable year, as described by subsection (1) of Section
3 409 of the Illinois Insurance Code. This paragraph will in
4 no event increase the rates imposed under subsections (b)
5 and (d).

6 (2) Any reduction in the rates of tax imposed by this
7 subsection shall be applied first against the rates imposed
8 by subsection (b) and only after the tax imposed by
9 subsection (a) net of all credits allowed under this
10 Section other than the credit allowed under subsection (i)
11 has been reduced to zero, against the rates imposed by
12 subsection (d).

13 This subsection (d-1) is exempt from the provisions of
14 Section 250.

15 (e) Investment credit. A taxpayer shall be allowed a credit
16 against the Personal Property Tax Replacement Income Tax for
17 investment in qualified property.

18 (1) A taxpayer shall be allowed a credit equal to .5%
19 of the basis of qualified property placed in service during
20 the taxable year, provided such property is placed in
21 service on or after July 1, 1984. There shall be allowed an
22 additional credit equal to .5% of the basis of qualified
23 property placed in service during the taxable year,
24 provided such property is placed in service on or after
25 July 1, 1986, and the taxpayer's base employment within
26 Illinois has increased by 1% or more over the preceding

1 year as determined by the taxpayer's employment records
2 filed with the Illinois Department of Employment Security.
3 Taxpayers who are new to Illinois shall be deemed to have
4 met the 1% growth in base employment for the first year in
5 which they file employment records with the Illinois
6 Department of Employment Security. The provisions added to
7 this Section by Public Act 85-1200 (and restored by Public
8 Act 87-895) shall be construed as declaratory of existing
9 law and not as a new enactment. If, in any year, the
10 increase in base employment within Illinois over the
11 preceding year is less than 1%, the additional credit shall
12 be limited to that percentage times a fraction, the
13 numerator of which is .5% and the denominator of which is
14 1%, but shall not exceed .5%. The investment credit shall
15 not be allowed to the extent that it would reduce a
16 taxpayer's liability in any tax year below zero, nor may
17 any credit for qualified property be allowed for any year
18 other than the year in which the property was placed in
19 service in Illinois. For tax years ending on or after
20 December 31, 1987, and on or before December 31, 1988, the
21 credit shall be allowed for the tax year in which the
22 property is placed in service, or, if the amount of the
23 credit exceeds the tax liability for that year, whether it
24 exceeds the original liability or the liability as later
25 amended, such excess may be carried forward and applied to
26 the tax liability of the 5 taxable years following the

1 excess credit years if the taxpayer (i) makes investments
2 which cause the creation of a minimum of 2,000 full-time
3 equivalent jobs in Illinois, (ii) is located in an
4 enterprise zone established pursuant to the Illinois
5 Enterprise Zone Act and (iii) is certified by the
6 Department of Commerce and Community Affairs (now
7 Department of Commerce and Economic Opportunity) as
8 complying with the requirements specified in clause (i) and
9 (ii) by July 1, 1986. The Department of Commerce and
10 Community Affairs (now Department of Commerce and Economic
11 Opportunity) shall notify the Department of Revenue of all
12 such certifications immediately. For tax years ending
13 after December 31, 1988, the credit shall be allowed for
14 the tax year in which the property is placed in service,
15 or, if the amount of the credit exceeds the tax liability
16 for that year, whether it exceeds the original liability or
17 the liability as later amended, such excess may be carried
18 forward and applied to the tax liability of the 5 taxable
19 years following the excess credit years. The credit shall
20 be applied to the earliest year for which there is a
21 liability. If there is credit from more than one tax year
22 that is available to offset a liability, earlier credit
23 shall be applied first.

24 (2) The term "qualified property" means property
25 which:

26 (A) is tangible, whether new or used, including

1 buildings and structural components of buildings and
2 signs that are real property, but not including land or
3 improvements to real property that are not a structural
4 component of a building such as landscaping, sewer
5 lines, local access roads, fencing, parking lots, and
6 other appurtenances;

7 (B) is depreciable pursuant to Section 167 of the
8 Internal Revenue Code, except that "3-year property"
9 as defined in Section 168(c)(2)(A) of that Code is not
10 eligible for the credit provided by this subsection
11 (e);

12 (C) is acquired by purchase as defined in Section
13 179(d) of the Internal Revenue Code;

14 (D) is used in Illinois by a taxpayer who is
15 primarily engaged in manufacturing, or in mining coal
16 or fluorite, or in retailing, or was placed in service
17 on or after July 1, 2006 in a River Edge Redevelopment
18 Zone established pursuant to the River Edge
19 Redevelopment Zone Act; and

20 (E) has not previously been used in Illinois in
21 such a manner and by such a person as would qualify for
22 the credit provided by this subsection (e) or
23 subsection (f).

24 (3) For purposes of this subsection (e),
25 "manufacturing" means the material staging and production
26 of tangible personal property by procedures commonly

1 regarded as manufacturing, processing, fabrication, or
2 assembling which changes some existing material into new
3 shapes, new qualities, or new combinations. For purposes of
4 this subsection (e) the term "mining" shall have the same
5 meaning as the term "mining" in Section 613(c) of the
6 Internal Revenue Code. For purposes of this subsection (e),
7 the term "retailing" means the sale of tangible personal
8 property for use or consumption and not for resale, or
9 services rendered in conjunction with the sale of tangible
10 personal property for use or consumption and not for
11 resale. For purposes of this subsection (e), "tangible
12 personal property" has the same meaning as when that term
13 is used in the Retailers' Occupation Tax Act, and, for
14 taxable years ending after December 31, 2008, does not
15 include the generation, transmission, or distribution of
16 electricity.

17 (4) The basis of qualified property shall be the basis
18 used to compute the depreciation deduction for federal
19 income tax purposes.

20 (5) If the basis of the property for federal income tax
21 depreciation purposes is increased after it has been placed
22 in service in Illinois by the taxpayer, the amount of such
23 increase shall be deemed property placed in service on the
24 date of such increase in basis.

25 (6) The term "placed in service" shall have the same
26 meaning as under Section 46 of the Internal Revenue Code.

1 (7) If during any taxable year, any property ceases to
2 be qualified property in the hands of the taxpayer within
3 48 months after being placed in service, or the situs of
4 any qualified property is moved outside Illinois within 48
5 months after being placed in service, the Personal Property
6 Tax Replacement Income Tax for such taxable year shall be
7 increased. Such increase shall be determined by (i)
8 recomputing the investment credit which would have been
9 allowed for the year in which credit for such property was
10 originally allowed by eliminating such property from such
11 computation and, (ii) subtracting such recomputed credit
12 from the amount of credit previously allowed. For the
13 purposes of this paragraph (7), a reduction of the basis of
14 qualified property resulting from a redetermination of the
15 purchase price shall be deemed a disposition of qualified
16 property to the extent of such reduction.

17 (8) Unless the investment credit is extended by law,
18 the basis of qualified property shall not include costs
19 incurred after December 31, 2018, except for costs incurred
20 pursuant to a binding contract entered into on or before
21 December 31, 2018.

22 (9) Each taxable year ending before December 31, 2000,
23 a partnership may elect to pass through to its partners the
24 credits to which the partnership is entitled under this
25 subsection (e) for the taxable year. A partner may use the
26 credit allocated to him or her under this paragraph only

1 against the tax imposed in subsections (c) and (d) of this
2 Section. If the partnership makes that election, those
3 credits shall be allocated among the partners in the
4 partnership in accordance with the rules set forth in
5 Section 704(b) of the Internal Revenue Code, and the rules
6 promulgated under that Section, and the allocated amount of
7 the credits shall be allowed to the partners for that
8 taxable year. The partnership shall make this election on
9 its Personal Property Tax Replacement Income Tax return for
10 that taxable year. The election to pass through the credits
11 shall be irrevocable.

12 For taxable years ending on or after December 31, 2000,
13 a partner that qualifies its partnership for a subtraction
14 under subparagraph (I) of paragraph (2) of subsection (d)
15 of Section 203 or a shareholder that qualifies a Subchapter
16 S corporation for a subtraction under subparagraph (S) of
17 paragraph (2) of subsection (b) of Section 203 shall be
18 allowed a credit under this subsection (e) equal to its
19 share of the credit earned under this subsection (e) during
20 the taxable year by the partnership or Subchapter S
21 corporation, determined in accordance with the
22 determination of income and distributive share of income
23 under Sections 702 and 704 and Subchapter S of the Internal
24 Revenue Code. This paragraph is exempt from the provisions
25 of Section 250.

26 (f) Investment credit; Enterprise Zone; River Edge

1 Redevelopment Zone.

2 (1) A taxpayer shall be allowed a credit against the
3 tax imposed by subsections (a) and (b) of this Section for
4 investment in qualified property which is placed in service
5 in an Enterprise Zone created pursuant to the Illinois
6 Enterprise Zone Act or, for property placed in service on
7 or after July 1, 2006, a River Edge Redevelopment Zone
8 established pursuant to the River Edge Redevelopment Zone
9 Act. For partners, shareholders of Subchapter S
10 corporations, and owners of limited liability companies,
11 if the liability company is treated as a partnership for
12 purposes of federal and State income taxation, there shall
13 be allowed a credit under this subsection (f) to be
14 determined in accordance with the determination of income
15 and distributive share of income under Sections 702 and 704
16 and Subchapter S of the Internal Revenue Code. The credit
17 shall be .5% of the basis for such property. The credit
18 shall be available only in the taxable year in which the
19 property is placed in service in the Enterprise Zone or
20 River Edge Redevelopment Zone and shall not be allowed to
21 the extent that it would reduce a taxpayer's liability for
22 the tax imposed by subsections (a) and (b) of this Section
23 to below zero. For tax years ending on or after December
24 31, 1985, the credit shall be allowed for the tax year in
25 which the property is placed in service, or, if the amount
26 of the credit exceeds the tax liability for that year,

1 whether it exceeds the original liability or the liability
2 as later amended, such excess may be carried forward and
3 applied to the tax liability of the 5 taxable years
4 following the excess credit year. The credit shall be
5 applied to the earliest year for which there is a
6 liability. If there is credit from more than one tax year
7 that is available to offset a liability, the credit
8 accruing first in time shall be applied first.

9 (2) The term qualified property means property which:

10 (A) is tangible, whether new or used, including
11 buildings and structural components of buildings;

12 (B) is depreciable pursuant to Section 167 of the
13 Internal Revenue Code, except that "3-year property"
14 as defined in Section 168(c)(2)(A) of that Code is not
15 eligible for the credit provided by this subsection
16 (f);

17 (C) is acquired by purchase as defined in Section
18 179(d) of the Internal Revenue Code;

19 (D) is used in the Enterprise Zone or River Edge
20 Redevelopment Zone by the taxpayer; and

21 (E) has not been previously used in Illinois in
22 such a manner and by such a person as would qualify for
23 the credit provided by this subsection (f) or
24 subsection (e).

25 (3) The basis of qualified property shall be the basis
26 used to compute the depreciation deduction for federal

1 income tax purposes.

2 (4) If the basis of the property for federal income tax
3 depreciation purposes is increased after it has been placed
4 in service in the Enterprise Zone or River Edge
5 Redevelopment Zone by the taxpayer, the amount of such
6 increase shall be deemed property placed in service on the
7 date of such increase in basis.

8 (5) The term "placed in service" shall have the same
9 meaning as under Section 46 of the Internal Revenue Code.

10 (6) If during any taxable year, any property ceases to
11 be qualified property in the hands of the taxpayer within
12 48 months after being placed in service, or the situs of
13 any qualified property is moved outside the Enterprise Zone
14 or River Edge Redevelopment Zone within 48 months after
15 being placed in service, the tax imposed under subsections
16 (a) and (b) of this Section for such taxable year shall be
17 increased. Such increase shall be determined by (i)
18 recomputing the investment credit which would have been
19 allowed for the year in which credit for such property was
20 originally allowed by eliminating such property from such
21 computation, and (ii) subtracting such recomputed credit
22 from the amount of credit previously allowed. For the
23 purposes of this paragraph (6), a reduction of the basis of
24 qualified property resulting from a redetermination of the
25 purchase price shall be deemed a disposition of qualified
26 property to the extent of such reduction.

1 (7) There shall be allowed an additional credit equal
2 to 0.5% of the basis of qualified property placed in
3 service during the taxable year in a River Edge
4 Redevelopment Zone, provided such property is placed in
5 service on or after July 1, 2006, and the taxpayer's base
6 employment within Illinois has increased by 1% or more over
7 the preceding year as determined by the taxpayer's
8 employment records filed with the Illinois Department of
9 Employment Security. Taxpayers who are new to Illinois
10 shall be deemed to have met the 1% growth in base
11 employment for the first year in which they file employment
12 records with the Illinois Department of Employment
13 Security. If, in any year, the increase in base employment
14 within Illinois over the preceding year is less than 1%,
15 the additional credit shall be limited to that percentage
16 times a fraction, the numerator of which is 0.5% and the
17 denominator of which is 1%, but shall not exceed 0.5%.

18 (g) (Blank).

19 (h) Investment credit; High Impact Business.

20 (1) Subject to subsections (b) and (b-5) of Section 5.5
21 of the Illinois Enterprise Zone Act, a taxpayer shall be
22 allowed a credit against the tax imposed by subsections (a)
23 and (b) of this Section for investment in qualified
24 property which is placed in service by a Department of
25 Commerce and Economic Opportunity designated High Impact
26 Business. The credit shall be .5% of the basis for such

1 property. The credit shall not be available (i) until the
2 minimum investments in qualified property set forth in
3 subdivision (a)(3)(A) of Section 5.5 of the Illinois
4 Enterprise Zone Act have been satisfied or (ii) until the
5 time authorized in subsection (b-5) of the Illinois
6 Enterprise Zone Act for entities designated as High Impact
7 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
8 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
9 Act, and shall not be allowed to the extent that it would
10 reduce a taxpayer's liability for the tax imposed by
11 subsections (a) and (b) of this Section to below zero. The
12 credit applicable to such investments shall be taken in the
13 taxable year in which such investments have been completed.
14 The credit for additional investments beyond the minimum
15 investment by a designated high impact business authorized
16 under subdivision (a)(3)(A) of Section 5.5 of the Illinois
17 Enterprise Zone Act shall be available only in the taxable
18 year in which the property is placed in service and shall
19 not be allowed to the extent that it would reduce a
20 taxpayer's liability for the tax imposed by subsections (a)
21 and (b) of this Section to below zero. For tax years ending
22 on or after December 31, 1987, the credit shall be allowed
23 for the tax year in which the property is placed in
24 service, or, if the amount of the credit exceeds the tax
25 liability for that year, whether it exceeds the original
26 liability or the liability as later amended, such excess

1 may be carried forward and applied to the tax liability of
2 the 5 taxable years following the excess credit year. The
3 credit shall be applied to the earliest year for which
4 there is a liability. If there is credit from more than one
5 tax year that is available to offset a liability, the
6 credit accruing first in time shall be applied first.

7 Changes made in this subdivision (h) (1) by Public Act
8 88-670 restore changes made by Public Act 85-1182 and
9 reflect existing law.

10 (2) The term qualified property means property which:

11 (A) is tangible, whether new or used, including
12 buildings and structural components of buildings;

13 (B) is depreciable pursuant to Section 167 of the
14 Internal Revenue Code, except that "3-year property"
15 as defined in Section 168(c) (2) (A) of that Code is not
16 eligible for the credit provided by this subsection
17 (h);

18 (C) is acquired by purchase as defined in Section
19 179(d) of the Internal Revenue Code; and

20 (D) is not eligible for the Enterprise Zone
21 Investment Credit provided by subsection (f) of this
22 Section.

23 (3) The basis of qualified property shall be the basis
24 used to compute the depreciation deduction for federal
25 income tax purposes.

26 (4) If the basis of the property for federal income tax

1 depreciation purposes is increased after it has been placed
2 in service in a federally designated Foreign Trade Zone or
3 Sub-Zone located in Illinois by the taxpayer, the amount of
4 such increase shall be deemed property placed in service on
5 the date of such increase in basis.

6 (5) The term "placed in service" shall have the same
7 meaning as under Section 46 of the Internal Revenue Code.

8 (6) If during any taxable year ending on or before
9 December 31, 1996, any property ceases to be qualified
10 property in the hands of the taxpayer within 48 months
11 after being placed in service, or the situs of any
12 qualified property is moved outside Illinois within 48
13 months after being placed in service, the tax imposed under
14 subsections (a) and (b) of this Section for such taxable
15 year shall be increased. Such increase shall be determined
16 by (i) recomputing the investment credit which would have
17 been allowed for the year in which credit for such property
18 was originally allowed by eliminating such property from
19 such computation, and (ii) subtracting such recomputed
20 credit from the amount of credit previously allowed. For
21 the purposes of this paragraph (6), a reduction of the
22 basis of qualified property resulting from a
23 redetermination of the purchase price shall be deemed a
24 disposition of qualified property to the extent of such
25 reduction.

26 (7) Beginning with tax years ending after December 31,

1 1996, if a taxpayer qualifies for the credit under this
2 subsection (h) and thereby is granted a tax abatement and
3 the taxpayer relocates its entire facility in violation of
4 the explicit terms and length of the contract under Section
5 18-183 of the Property Tax Code, the tax imposed under
6 subsections (a) and (b) of this Section shall be increased
7 for the taxable year in which the taxpayer relocated its
8 facility by an amount equal to the amount of credit
9 received by the taxpayer under this subsection (h).

10 (i) Credit for Personal Property Tax Replacement Income
11 Tax. For tax years ending prior to December 31, 2003, a credit
12 shall be allowed against the tax imposed by subsections (a) and
13 (b) of this Section for the tax imposed by subsections (c) and
14 (d) of this Section. This credit shall be computed by
15 multiplying the tax imposed by subsections (c) and (d) of this
16 Section by a fraction, the numerator of which is base income
17 allocable to Illinois and the denominator of which is Illinois
18 base income, and further multiplying the product by the tax
19 rate imposed by subsections (a) and (b) of this Section.

20 Any credit earned on or after December 31, 1986 under this
21 subsection which is unused in the year the credit is computed
22 because it exceeds the tax liability imposed by subsections (a)
23 and (b) for that year (whether it exceeds the original
24 liability or the liability as later amended) may be carried
25 forward and applied to the tax liability imposed by subsections
26 (a) and (b) of the 5 taxable years following the excess credit

1 year, provided that no credit may be carried forward to any
2 year ending on or after December 31, 2003. This credit shall be
3 applied first to the earliest year for which there is a
4 liability. If there is a credit under this subsection from more
5 than one tax year that is available to offset a liability the
6 earliest credit arising under this subsection shall be applied
7 first.

8 If, during any taxable year ending on or after December 31,
9 1986, the tax imposed by subsections (c) and (d) of this
10 Section for which a taxpayer has claimed a credit under this
11 subsection (i) is reduced, the amount of credit for such tax
12 shall also be reduced. Such reduction shall be determined by
13 recomputing the credit to take into account the reduced tax
14 imposed by subsections (c) and (d). If any portion of the
15 reduced amount of credit has been carried to a different
16 taxable year, an amended return shall be filed for such taxable
17 year to reduce the amount of credit claimed.

18 (j) Training expense credit. Beginning with tax years
19 ending on or after December 31, 1986 and prior to December 31,
20 2003, a taxpayer shall be allowed a credit against the tax
21 imposed by subsections (a) and (b) under this Section for all
22 amounts paid or accrued, on behalf of all persons employed by
23 the taxpayer in Illinois or Illinois residents employed outside
24 of Illinois by a taxpayer, for educational or vocational
25 training in semi-technical or technical fields or semi-skilled
26 or skilled fields, which were deducted from gross income in the

1 computation of taxable income. The credit against the tax
2 imposed by subsections (a) and (b) shall be 1.6% of such
3 training expenses. For partners, shareholders of subchapter S
4 corporations, and owners of limited liability companies, if the
5 liability company is treated as a partnership for purposes of
6 federal and State income taxation, there shall be allowed a
7 credit under this subsection (j) to be determined in accordance
8 with the determination of income and distributive share of
9 income under Sections 702 and 704 and subchapter S of the
10 Internal Revenue Code.

11 Any credit allowed under this subsection which is unused in
12 the year the credit is earned may be carried forward to each of
13 the 5 taxable years following the year for which the credit is
14 first computed until it is used. This credit shall be applied
15 first to the earliest year for which there is a liability. If
16 there is a credit under this subsection from more than one tax
17 year that is available to offset a liability the earliest
18 credit arising under this subsection shall be applied first. No
19 carryforward credit may be claimed in any tax year ending on or
20 after December 31, 2003.

21 (k) Research and development credit. For tax years ending
22 after July 1, 1990 and prior to December 31, 2003, and
23 beginning again for tax years ending on or after December 31,
24 2004, and ending prior to January 1, 2016, a taxpayer shall be
25 allowed a credit against the tax imposed by subsections (a) and
26 (b) of this Section for increasing research activities in this

1 State. The credit allowed against the tax imposed by
2 subsections (a) and (b) shall be equal to 6 1/2% of the
3 qualifying expenditures for increasing research activities in
4 this State. For partners, shareholders of subchapter S
5 corporations, and owners of limited liability companies, if the
6 liability company is treated as a partnership for purposes of
7 federal and State income taxation, there shall be allowed a
8 credit under this subsection to be determined in accordance
9 with the determination of income and distributive share of
10 income under Sections 702 and 704 and subchapter S of the
11 Internal Revenue Code.

12 For purposes of this subsection, "qualifying expenditures"
13 means the qualifying expenditures as defined for the federal
14 credit for increasing research activities which would be
15 allowable under Section 41 of the Internal Revenue Code and
16 which are conducted in this State, "qualifying expenditures for
17 increasing research activities in this State" means the excess
18 of qualifying expenditures for the taxable year in which
19 incurred over qualifying expenditures for the base period,
20 "qualifying expenditures for the base period" means the average
21 of the qualifying expenditures for each year in the base
22 period, and "base period" means the 3 taxable years immediately
23 preceding the taxable year for which the determination is being
24 made.

25 Any credit in excess of the tax liability for the taxable
26 year may be carried forward. A taxpayer may elect to have the

1 unused credit shown on its final completed return carried over
2 as a credit against the tax liability for the following 5
3 taxable years or until it has been fully used, whichever occurs
4 first; provided that no credit earned in a tax year ending
5 prior to December 31, 2003 may be carried forward to any year
6 ending on or after December 31, 2003.

7 If an unused credit is carried forward to a given year from
8 2 or more earlier years, that credit arising in the earliest
9 year will be applied first against the tax liability for the
10 given year. If a tax liability for the given year still
11 remains, the credit from the next earliest year will then be
12 applied, and so on, until all credits have been used or no tax
13 liability for the given year remains. Any remaining unused
14 credit or credits then will be carried forward to the next
15 following year in which a tax liability is incurred, except
16 that no credit can be carried forward to a year which is more
17 than 5 years after the year in which the expense for which the
18 credit is given was incurred.

19 No inference shall be drawn from this amendatory Act of the
20 91st General Assembly in construing this Section for taxable
21 years beginning before January 1, 1999.

22 (1) Environmental Remediation Tax Credit.

23 (i) For tax years ending after December 31, 1997 and on
24 or before December 31, 2001, a taxpayer shall be allowed a
25 credit against the tax imposed by subsections (a) and (b)
26 of this Section for certain amounts paid for unreimbursed

1 eligible remediation costs, as specified in this
2 subsection. For purposes of this Section, "unreimbursed
3 eligible remediation costs" means costs approved by the
4 Illinois Environmental Protection Agency ("Agency") under
5 Section 58.14 of the Environmental Protection Act that were
6 paid in performing environmental remediation at a site for
7 which a No Further Remediation Letter was issued by the
8 Agency and recorded under Section 58.10 of the
9 Environmental Protection Act. The credit must be claimed
10 for the taxable year in which Agency approval of the
11 eligible remediation costs is granted. The credit is not
12 available to any taxpayer if the taxpayer or any related
13 party caused or contributed to, in any material respect, a
14 release of regulated substances on, in, or under the site
15 that was identified and addressed by the remedial action
16 pursuant to the Site Remediation Program of the
17 Environmental Protection Act. After the Pollution Control
18 Board rules are adopted pursuant to the Illinois
19 Administrative Procedure Act for the administration and
20 enforcement of Section 58.9 of the Environmental
21 Protection Act, determinations as to credit availability
22 for purposes of this Section shall be made consistent with
23 those rules. For purposes of this Section, "taxpayer"
24 includes a person whose tax attributes the taxpayer has
25 succeeded to under Section 381 of the Internal Revenue Code
26 and "related party" includes the persons disallowed a

1 deduction for losses by paragraphs (b), (c), and (f)(1) of
2 Section 267 of the Internal Revenue Code by virtue of being
3 a related taxpayer, as well as any of its partners. The
4 credit allowed against the tax imposed by subsections (a)
5 and (b) shall be equal to 25% of the unreimbursed eligible
6 remediation costs in excess of \$100,000 per site, except
7 that the \$100,000 threshold shall not apply to any site
8 contained in an enterprise zone as determined by the
9 Department of Commerce and Community Affairs (now
10 Department of Commerce and Economic Opportunity). The
11 total credit allowed shall not exceed \$40,000 per year with
12 a maximum total of \$150,000 per site. For partners and
13 shareholders of subchapter S corporations, there shall be
14 allowed a credit under this subsection to be determined in
15 accordance with the determination of income and
16 distributive share of income under Sections 702 and 704 and
17 subchapter S of the Internal Revenue Code.

18 (ii) A credit allowed under this subsection that is
19 unused in the year the credit is earned may be carried
20 forward to each of the 5 taxable years following the year
21 for which the credit is first earned until it is used. The
22 term "unused credit" does not include any amounts of
23 unreimbursed eligible remediation costs in excess of the
24 maximum credit per site authorized under paragraph (i).
25 This credit shall be applied first to the earliest year for
26 which there is a liability. If there is a credit under this

1 subsection from more than one tax year that is available to
2 offset a liability, the earliest credit arising under this
3 subsection shall be applied first. A credit allowed under
4 this subsection may be sold to a buyer as part of a sale of
5 all or part of the remediation site for which the credit
6 was granted. The purchaser of a remediation site and the
7 tax credit shall succeed to the unused credit and remaining
8 carry-forward period of the seller. To perfect the
9 transfer, the assignor shall record the transfer in the
10 chain of title for the site and provide written notice to
11 the Director of the Illinois Department of Revenue of the
12 assignor's intent to sell the remediation site and the
13 amount of the tax credit to be transferred as a portion of
14 the sale. In no event may a credit be transferred to any
15 taxpayer if the taxpayer or a related party would not be
16 eligible under the provisions of subsection (i).

17 (iii) For purposes of this Section, the term "site"
18 shall have the same meaning as under Section 58.2 of the
19 Environmental Protection Act.

20 (m) Education expense credit. Beginning with tax years
21 ending after December 31, 1999, a taxpayer who is the custodian
22 of one or more qualifying pupils shall be allowed a credit
23 against the tax imposed by subsections (a) and (b) of this
24 Section for qualified education expenses incurred on behalf of
25 the qualifying pupils. The credit shall be equal to 25% of
26 qualified education expenses, but in no event may the total

1 credit under this subsection claimed by a family that is the
2 custodian of qualifying pupils exceed \$500. In no event shall a
3 credit under this subsection reduce the taxpayer's liability
4 under this Act to less than zero. This subsection is exempt
5 from the provisions of Section 250 of this Act.

6 For purposes of this subsection:

7 "Qualifying pupils" means individuals who (i) are
8 residents of the State of Illinois, (ii) are under the age of
9 21 at the close of the school year for which a credit is
10 sought, and (iii) during the school year for which a credit is
11 sought were full-time pupils enrolled in a kindergarten through
12 twelfth grade education program at any school, as defined in
13 this subsection.

14 "Qualified education expense" means the amount incurred on
15 behalf of a qualifying pupil in excess of \$250 for tuition,
16 book fees, and lab fees at the school in which the pupil is
17 enrolled during the regular school year.

18 "School" means any public or nonpublic elementary or
19 secondary school in Illinois that is in compliance with Title
20 VI of the Civil Rights Act of 1964 and attendance at which
21 satisfies the requirements of Section 26-1 of the School Code,
22 except that nothing shall be construed to require a child to
23 attend any particular public or nonpublic school to qualify for
24 the credit under this Section.

25 "Custodian" means, with respect to qualifying pupils, an
26 Illinois resident who is a parent, the parents, a legal

1 guardian, or the legal guardians of the qualifying pupils.

2 (n) River Edge Redevelopment Zone site remediation tax
3 credit.

4 (i) For tax years ending on or after December 31, 2006,
5 a taxpayer shall be allowed a credit against the tax
6 imposed by subsections (a) and (b) of this Section for
7 certain amounts paid for unreimbursed eligible remediation
8 costs, as specified in this subsection. For purposes of
9 this Section, "unreimbursed eligible remediation costs"
10 means costs approved by the Illinois Environmental
11 Protection Agency ("Agency") under Section 58.14a of the
12 Environmental Protection Act that were paid in performing
13 environmental remediation at a site within a River Edge
14 Redevelopment Zone for which a No Further Remediation
15 Letter was issued by the Agency and recorded under Section
16 58.10 of the Environmental Protection Act. The credit must
17 be claimed for the taxable year in which Agency approval of
18 the eligible remediation costs is granted. The credit is
19 not available to any taxpayer if the taxpayer or any
20 related party caused or contributed to, in any material
21 respect, a release of regulated substances on, in, or under
22 the site that was identified and addressed by the remedial
23 action pursuant to the Site Remediation Program of the
24 Environmental Protection Act. Determinations as to credit
25 availability for purposes of this Section shall be made
26 consistent with rules adopted by the Pollution Control

1 Board pursuant to the Illinois Administrative Procedure
2 Act for the administration and enforcement of Section 58.9
3 of the Environmental Protection Act. For purposes of this
4 Section, "taxpayer" includes a person whose tax attributes
5 the taxpayer has succeeded to under Section 381 of the
6 Internal Revenue Code and "related party" includes the
7 persons disallowed a deduction for losses by paragraphs
8 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
9 Code by virtue of being a related taxpayer, as well as any
10 of its partners. The credit allowed against the tax imposed
11 by subsections (a) and (b) shall be equal to 25% of the
12 unreimbursed eligible remediation costs in excess of
13 \$100,000 per site.

14 (ii) A credit allowed under this subsection that is
15 unused in the year the credit is earned may be carried
16 forward to each of the 5 taxable years following the year
17 for which the credit is first earned until it is used. This
18 credit shall be applied first to the earliest year for
19 which there is a liability. If there is a credit under this
20 subsection from more than one tax year that is available to
21 offset a liability, the earliest credit arising under this
22 subsection shall be applied first. A credit allowed under
23 this subsection may be sold to a buyer as part of a sale of
24 all or part of the remediation site for which the credit
25 was granted. The purchaser of a remediation site and the
26 tax credit shall succeed to the unused credit and remaining

1 carry-forward period of the seller. To perfect the
2 transfer, the assignor shall record the transfer in the
3 chain of title for the site and provide written notice to
4 the Director of the Illinois Department of Revenue of the
5 assignor's intent to sell the remediation site and the
6 amount of the tax credit to be transferred as a portion of
7 the sale. In no event may a credit be transferred to any
8 taxpayer if the taxpayer or a related party would not be
9 eligible under the provisions of subsection (i).

10 (iii) For purposes of this Section, the term "site"
11 shall have the same meaning as under Section 58.2 of the
12 Environmental Protection Act.

13 (o) For each of taxable years during the Compassionate Use
14 of Medical Cannabis Pilot Program, a surcharge is imposed on
15 all taxpayers on income arising from the sale or exchange of
16 capital assets, depreciable business property, real property
17 used in the trade or business, and Section 197 intangibles of
18 an organization registrant under the Compassionate Use of
19 Medical Cannabis Pilot Program Act. The amount of the surcharge
20 is equal to the amount of federal income tax liability for the
21 taxable year attributable to those sales and exchanges. The
22 surcharge imposed does not apply if:

23 (1) the medical cannabis cultivation center
24 registration, medical cannabis dispensary registration, or
25 the property of a registration is transferred as a result
26 of any of the following:

1 (A) bankruptcy, a receivership, or a debt
2 adjustment initiated by or against the initial
3 registration or the substantial owners of the initial
4 registration;

5 (B) cancellation, revocation, or termination of
6 any registration by the Illinois Department of Public
7 Health;

8 (C) a determination by the Illinois Department of
9 Public Health that transfer of the registration is in
10 the best interests of Illinois qualifying patients as
11 defined by the Compassionate Use of Medical Cannabis
12 Pilot Program Act;

13 (D) the death of an owner of the equity interest in
14 a registrant;

15 (E) the acquisition of a controlling interest in
16 the stock or substantially all of the assets of a
17 publicly traded company;

18 (F) a transfer by a parent company to a wholly
19 owned subsidiary; or

20 (G) the transfer or sale to or by one person to
21 another person where both persons were initial owners
22 of the registration when the registration was issued;
23 or

24 (2) the cannabis cultivation center registration,
25 medical cannabis dispensary registration, or the
26 controlling interest in a registrant's property is

1 transferred in a transaction to lineal descendants in which
2 no gain or loss is recognized or as a result of a
3 transaction in accordance with Section 351 of the Internal
4 Revenue Code in which no gain or loss is recognized.

5 (Source: P.A. 97-2, eff. 5-6-11; 97-636, eff. 6-1-12; 97-905,
6 eff. 8-7-12; 98-109, eff. 7-25-13; 98-122, eff. 1-1-14; revised
7 8-9-13.)

8 (35 ILCS 5/304) (from Ch. 120, par. 3-304)

9 Sec. 304. Business income of persons other than residents.

10 (a) In general. The business income of a person other than
11 a resident shall be allocated to this State if such person's
12 business income is derived solely from this State. If a person
13 other than a resident derives business income from this State
14 and one or more other states, then, for tax years ending on or
15 before December 30, 1998, and except as otherwise provided by
16 this Section, such person's business income shall be
17 apportioned to this State by multiplying the income by a
18 fraction, the numerator of which is the sum of the property
19 factor (if any), the payroll factor (if any) and 200% of the
20 sales factor (if any), and the denominator of which is 4
21 reduced by the number of factors other than the sales factor
22 which have a denominator of zero and by an additional 2 if the
23 sales factor has a denominator of zero. For tax years ending on
24 or after December 31, 1998, and except as otherwise provided by
25 this Section, persons other than residents who derive business

1 income from this State and one or more other states shall
2 compute their apportionment factor by weighting their
3 property, payroll, and sales factors as provided in subsection
4 (h) of this Section.

5 (1) Property factor.

6 (A) The property factor is a fraction, the numerator of
7 which is the average value of the person's real and
8 tangible personal property owned or rented and used in the
9 trade or business in this State during the taxable year and
10 the denominator of which is the average value of all the
11 person's real and tangible personal property owned or
12 rented and used in the trade or business during the taxable
13 year.

14 (B) Property owned by the person is valued at its
15 original cost. Property rented by the person is valued at 8
16 times the net annual rental rate. Net annual rental rate is
17 the annual rental rate paid by the person less any annual
18 rental rate received by the person from sub-rentals.

19 (C) The average value of property shall be determined
20 by averaging the values at the beginning and ending of the
21 taxable year but the Director may require the averaging of
22 monthly values during the taxable year if reasonably
23 required to reflect properly the average value of the
24 person's property.

25 (2) Payroll factor.

26 (A) The payroll factor is a fraction, the numerator of

1 which is the total amount paid in this State during the
2 taxable year by the person for compensation, and the
3 denominator of which is the total compensation paid
4 everywhere during the taxable year.

5 (B) Compensation is paid in this State if:

6 (i) The individual's service is performed entirely
7 within this State;

8 (ii) The individual's service is performed both
9 within and without this State, but the service
10 performed without this State is incidental to the
11 individual's service performed within this State; or

12 (iii) Some of the service is performed within this
13 State and either the base of operations, or if there is
14 no base of operations, the place from which the service
15 is directed or controlled is within this State, or the
16 base of operations or the place from which the service
17 is directed or controlled is not in any state in which
18 some part of the service is performed, but the
19 individual's residence is in this State.

20 (iv) Compensation paid to nonresident professional
21 athletes.

22 (a) General. The Illinois source income of a
23 nonresident individual who is a member of a
24 professional athletic team includes the portion of the
25 individual's total compensation for services performed
26 as a member of a professional athletic team during the

1 taxable year which the number of duty days spent within
2 this State performing services for the team in any
3 manner during the taxable year bears to the total
4 number of duty days spent both within and without this
5 State during the taxable year.

6 (b) Travel days. Travel days that do not involve
7 either a game, practice, team meeting, or other similar
8 team event are not considered duty days spent in this
9 State. However, such travel days are considered in the
10 total duty days spent both within and without this
11 State.

12 (c) Definitions. For purposes of this subpart
13 (iv):

14 (1) The term "professional athletic team"
15 includes, but is not limited to, any professional
16 baseball, basketball, football, soccer, or hockey
17 team.

18 (2) The term "member of a professional
19 athletic team" includes those employees who are
20 active players, players on the disabled list, and
21 any other persons required to travel and who travel
22 with and perform services on behalf of a
23 professional athletic team on a regular basis.
24 This includes, but is not limited to, coaches,
25 managers, and trainers.

26 (3) Except as provided in items (C) and (D) of

1 this subpart (3), the term "duty days" means all
2 days during the taxable year from the beginning of
3 the professional athletic team's official
4 pre-season training period through the last game
5 in which the team competes or is scheduled to
6 compete. Duty days shall be counted for the year in
7 which they occur, including where a team's
8 official pre-season training period through the
9 last game in which the team competes or is
10 scheduled to compete, occurs during more than one
11 tax year.

12 (A) Duty days shall also include days on
13 which a member of a professional athletic team
14 performs service for a team on a date that does
15 not fall within the foregoing period (e.g.,
16 participation in instructional leagues, the
17 "All Star Game", or promotional "caravans").
18 Performing a service for a professional
19 athletic team includes conducting training and
20 rehabilitation activities, when such
21 activities are conducted at team facilities.

22 (B) Also included in duty days are game
23 days, practice days, days spent at team
24 meetings, promotional caravans, preseason
25 training camps, and days served with the team
26 through all post-season games in which the team

1 competes or is scheduled to compete.

2 (C) Duty days for any person who joins a
3 team during the period from the beginning of
4 the professional athletic team's official
5 pre-season training period through the last
6 game in which the team competes, or is
7 scheduled to compete, shall begin on the day
8 that person joins the team. Conversely, duty
9 days for any person who leaves a team during
10 this period shall end on the day that person
11 leaves the team. Where a person switches teams
12 during a taxable year, a separate duty-day
13 calculation shall be made for the period the
14 person was with each team.

15 (D) Days for which a member of a
16 professional athletic team is not compensated
17 and is not performing services for the team in
18 any manner, including days when such member of
19 a professional athletic team has been
20 suspended without pay and prohibited from
21 performing any services for the team, shall not
22 be treated as duty days.

23 (E) Days for which a member of a
24 professional athletic team is on the disabled
25 list and does not conduct rehabilitation
26 activities at facilities of the team, and is

1 not otherwise performing services for the team
2 in Illinois, shall not be considered duty days
3 spent in this State. All days on the disabled
4 list, however, are considered to be included in
5 total duty days spent both within and without
6 this State.

7 (4) The term "total compensation for services
8 performed as a member of a professional athletic
9 team" means the total compensation received during
10 the taxable year for services performed:

11 (A) from the beginning of the official
12 pre-season training period through the last
13 game in which the team competes or is scheduled
14 to compete during that taxable year; and

15 (B) during the taxable year on a date which
16 does not fall within the foregoing period
17 (e.g., participation in instructional leagues,
18 the "All Star Game", or promotional caravans).

19 This compensation shall include, but is not
20 limited to, salaries, wages, bonuses as described
21 in this subpart, and any other type of compensation
22 paid during the taxable year to a member of a
23 professional athletic team for services performed
24 in that year. This compensation does not include
25 strike benefits, severance pay, termination pay,
26 contract or option year buy-out payments,

1 expansion or relocation payments, or any other
2 payments not related to services performed for the
3 team.

4 For purposes of this subparagraph, "bonuses"
5 included in "total compensation for services
6 performed as a member of a professional athletic
7 team" subject to the allocation described in
8 Section 302(c)(1) are: bonuses earned as a result
9 of play (i.e., performance bonuses) during the
10 season, including bonuses paid for championship,
11 playoff or "bowl" games played by a team, or for
12 selection to all-star league or other honorary
13 positions; and bonuses paid for signing a
14 contract, unless the payment of the signing bonus
15 is not conditional upon the signee playing any
16 games for the team or performing any subsequent
17 services for the team or even making the team, the
18 signing bonus is payable separately from the
19 salary and any other compensation, and the signing
20 bonus is nonrefundable.

21 (3) Sales factor.

22 (A) The sales factor is a fraction, the numerator of
23 which is the total sales of the person in this State during
24 the taxable year, and the denominator of which is the total
25 sales of the person everywhere during the taxable year.

26 (B) Sales of tangible personal property are in this

1 State if:

2 (i) The property is delivered or shipped to a
3 purchaser, other than the United States government,
4 within this State regardless of the f. o. b. point or
5 other conditions of the sale; or

6 (ii) The property is shipped from an office, store,
7 warehouse, factory or other place of storage in this
8 State and either the purchaser is the United States
9 government or the person is not taxable in the state of
10 the purchaser; provided, however, that premises owned
11 or leased by a person who has independently contracted
12 with the seller for the printing of newspapers,
13 periodicals or books shall not be deemed to be an
14 office, store, warehouse, factory or other place of
15 storage for purposes of this Section. Sales of tangible
16 personal property are not in this State if the seller
17 and purchaser would be members of the same unitary
18 business group but for the fact that either the seller
19 or purchaser is a person with 80% or more of total
20 business activity outside of the United States and the
21 property is purchased for resale.

22 (B-1) Patents, copyrights, trademarks, and similar
23 items of intangible personal property.

24 (i) Gross receipts from the licensing, sale, or
25 other disposition of a patent, copyright, trademark,
26 or similar item of intangible personal property, other

1 than gross receipts governed by paragraph (B-7) of this
2 item (3), are in this State to the extent the item is
3 utilized in this State during the year the gross
4 receipts are included in gross income.

5 (ii) Place of utilization.

6 (I) A patent is utilized in a state to the
7 extent that it is employed in production,
8 fabrication, manufacturing, or other processing in
9 the state or to the extent that a patented product
10 is produced in the state. If a patent is utilized
11 in more than one state, the extent to which it is
12 utilized in any one state shall be a fraction equal
13 to the gross receipts of the licensee or purchaser
14 from sales or leases of items produced,
15 fabricated, manufactured, or processed within that
16 state using the patent and of patented items
17 produced within that state, divided by the total of
18 such gross receipts for all states in which the
19 patent is utilized.

20 (II) A copyright is utilized in a state to the
21 extent that printing or other publication
22 originates in the state. If a copyright is utilized
23 in more than one state, the extent to which it is
24 utilized in any one state shall be a fraction equal
25 to the gross receipts from sales or licenses of
26 materials printed or published in that state

1 divided by the total of such gross receipts for all
2 states in which the copyright is utilized.

3 (III) Trademarks and other items of intangible
4 personal property governed by this paragraph (B-1)
5 are utilized in the state in which the commercial
6 domicile of the licensee or purchaser is located.

7 (iii) If the state of utilization of an item of
8 property governed by this paragraph (B-1) cannot be
9 determined from the taxpayer's books and records or
10 from the books and records of any person related to the
11 taxpayer within the meaning of Section 267(b) of the
12 Internal Revenue Code, 26 U.S.C. 267, the gross
13 receipts attributable to that item shall be excluded
14 from both the numerator and the denominator of the
15 sales factor.

16 (B-2) Gross receipts from the license, sale, or other
17 disposition of patents, copyrights, trademarks, and
18 similar items of intangible personal property, other than
19 gross receipts governed by paragraph (B-7) of this item
20 (3), may be included in the numerator or denominator of the
21 sales factor only if gross receipts from licenses, sales,
22 or other disposition of such items comprise more than 50%
23 of the taxpayer's total gross receipts included in gross
24 income during the tax year and during each of the 2
25 immediately preceding tax years; provided that, when a
26 taxpayer is a member of a unitary business group, such

1 determination shall be made on the basis of the gross
2 receipts of the entire unitary business group.

3 (B-5) For taxable years ending on or after December 31,
4 2008, except as provided in subsections (ii) through (vii),
5 receipts from the sale of telecommunications service or
6 mobile telecommunications service are in this State if the
7 customer's service address is in this State.

8 (i) For purposes of this subparagraph (B-5), the
9 following terms have the following meanings:

10 "Ancillary services" means services that are
11 associated with or incidental to the provision of
12 "telecommunications services", including but not
13 limited to "detailed telecommunications billing",
14 "directory assistance", "vertical service", and "voice
15 mail services".

16 "Air-to-Ground Radiotelephone service" means a
17 radio service, as that term is defined in 47 CFR 22.99,
18 in which common carriers are authorized to offer and
19 provide radio telecommunications service for hire to
20 subscribers in aircraft.

21 "Call-by-call Basis" means any method of charging
22 for telecommunications services where the price is
23 measured by individual calls.

24 "Communications Channel" means a physical or
25 virtual path of communications over which signals are
26 transmitted between or among customer channel

1 termination points.

2 "Conference bridging service" means an "ancillary
3 service" that links two or more participants of an
4 audio or video conference call and may include the
5 provision of a telephone number. "Conference bridging
6 service" does not include the "telecommunications
7 services" used to reach the conference bridge.

8 "Customer Channel Termination Point" means the
9 location where the customer either inputs or receives
10 the communications.

11 "Detailed telecommunications billing service"
12 means an "ancillary service" of separately stating
13 information pertaining to individual calls on a
14 customer's billing statement.

15 "Directory assistance" means an "ancillary
16 service" of providing telephone number information,
17 and/or address information.

18 "Home service provider" means the facilities based
19 carrier or reseller with which the customer contracts
20 for the provision of mobile telecommunications
21 services.

22 "Mobile telecommunications service" means
23 commercial mobile radio service, as defined in Section
24 20.3 of Title 47 of the Code of Federal Regulations as
25 in effect on June 1, 1999.

26 "Place of primary use" means the street address

1 representative of where the customer's use of the
2 telecommunications service primarily occurs, which
3 must be the residential street address or the primary
4 business street address of the customer. In the case of
5 mobile telecommunications services, "place of primary
6 use" must be within the licensed service area of the
7 home service provider.

8 "Post-paid telecommunication service" means the
9 telecommunications service obtained by making a
10 payment on a call-by-call basis either through the use
11 of a credit card or payment mechanism such as a bank
12 card, travel card, credit card, or debit card, or by
13 charge made to a telephone number which is not
14 associated with the origination or termination of the
15 telecommunications service. A post-paid calling
16 service includes telecommunications service, except a
17 prepaid wireless calling service, that would be a
18 prepaid calling service except it is not exclusively a
19 telecommunication service.

20 "Prepaid telecommunication service" means the
21 right to access exclusively telecommunications
22 services, which must be paid for in advance and which
23 enables the origination of calls using an access number
24 or authorization code, whether manually or
25 electronically dialed, and that is sold in
26 predetermined units or dollars of which the number

1 declines with use in a known amount.

2 "Prepaid Mobile telecommunication service" means a
3 telecommunications service that provides the right to
4 utilize mobile wireless service as well as other
5 non-telecommunication services, including but not
6 limited to ancillary services, which must be paid for
7 in advance that is sold in predetermined units or
8 dollars of which the number declines with use in a
9 known amount.

10 "Private communication service" means a
11 telecommunication service that entitles the customer
12 to exclusive or priority use of a communications
13 channel or group of channels between or among
14 termination points, regardless of the manner in which
15 such channel or channels are connected, and includes
16 switching capacity, extension lines, stations, and any
17 other associated services that are provided in
18 connection with the use of such channel or channels.

19 "Service address" means:

20 (a) The location of the telecommunications
21 equipment to which a customer's call is charged and
22 from which the call originates or terminates,
23 regardless of where the call is billed or paid;

24 (b) If the location in line (a) is not known,
25 service address means the origination point of the
26 signal of the telecommunications services first

1 identified by either the seller's
2 telecommunications system or in information
3 received by the seller from its service provider
4 where the system used to transport such signals is
5 not that of the seller; and

6 (c) If the locations in line (a) and line (b)
7 are not known, the service address means the
8 location of the customer's place of primary use.

9 "Telecommunications service" means the electronic
10 transmission, conveyance, or routing of voice, data,
11 audio, video, or any other information or signals to a
12 point, or between or among points. The term
13 "telecommunications service" includes such
14 transmission, conveyance, or routing in which computer
15 processing applications are used to act on the form,
16 code or protocol of the content for purposes of
17 transmission, conveyance or routing without regard to
18 whether such service is referred to as voice over
19 Internet protocol services or is classified by the
20 Federal Communications Commission as enhanced or value
21 added. "Telecommunications service" does not include:

22 (a) Data processing and information services
23 that allow data to be generated, acquired, stored,
24 processed, or retrieved and delivered by an
25 electronic transmission to a purchaser when such
26 purchaser's primary purpose for the underlying

1 transaction is the processed data or information;

2 (b) Installation or maintenance of wiring or
3 equipment on a customer's premises;

4 (c) Tangible personal property;

5 (d) Advertising, including but not limited to
6 directory advertising.

7 (e) Billing and collection services provided
8 to third parties;

9 (f) Internet access service;

10 (g) Radio and television audio and video
11 programming services, regardless of the medium,
12 including the furnishing of transmission,
13 conveyance and routing of such services by the
14 programming service provider. Radio and television
15 audio and video programming services shall include
16 but not be limited to cable service as defined in
17 47 USC 522(6) and audio and video programming
18 services delivered by commercial mobile radio
19 service providers, as defined in 47 CFR 20.3;

20 (h) "Ancillary services"; or

21 (i) Digital products "delivered
22 electronically", including but not limited to
23 software, music, video, reading materials or ring
24 tones.

25 "Vertical service" means an "ancillary service"
26 that is offered in connection with one or more

1 "telecommunications services", which offers advanced
2 calling features that allow customers to identify
3 callers and to manage multiple calls and call
4 connections, including "conference bridging services".

5 "Voice mail service" means an "ancillary service"
6 that enables the customer to store, send or receive
7 recorded messages. "Voice mail service" does not
8 include any "vertical services" that the customer may
9 be required to have in order to utilize the "voice mail
10 service".

11 (ii) Receipts from the sale of telecommunications
12 service sold on an individual call-by-call basis are in
13 this State if either of the following applies:

14 (a) The call both originates and terminates in
15 this State.

16 (b) The call either originates or terminates
17 in this State and the service address is located in
18 this State.

19 (iii) Receipts from the sale of postpaid
20 telecommunications service at retail are in this State
21 if the origination point of the telecommunication
22 signal, as first identified by the service provider's
23 telecommunication system or as identified by
24 information received by the seller from its service
25 provider if the system used to transport
26 telecommunication signals is not the seller's, is

1 located in this State.

2 (iv) Receipts from the sale of prepaid
3 telecommunications service or prepaid mobile
4 telecommunications service at retail are in this State
5 if the purchaser obtains the prepaid card or similar
6 means of conveyance at a location in this State.
7 Receipts from recharging a prepaid telecommunications
8 service or mobile telecommunications service is in
9 this State if the purchaser's billing information
10 indicates a location in this State.

11 (v) Receipts from the sale of private
12 communication services are in this State as follows:

13 (a) 100% of receipts from charges imposed at
14 each channel termination point in this State.

15 (b) 100% of receipts from charges for the total
16 channel mileage between each channel termination
17 point in this State.

18 (c) 50% of the total receipts from charges for
19 service segments when those segments are between 2
20 customer channel termination points, 1 of which is
21 located in this State and the other is located
22 outside of this State, which segments are
23 separately charged.

24 (d) The receipts from charges for service
25 segments with a channel termination point located
26 in this State and in two or more other states, and

1 which segments are not separately billed, are in
2 this State based on a percentage determined by
3 dividing the number of customer channel
4 termination points in this State by the total
5 number of customer channel termination points.

6 (vi) Receipts from charges for ancillary services
7 for telecommunications service sold to customers at
8 retail are in this State if the customer's primary
9 place of use of telecommunications services associated
10 with those ancillary services is in this State. If the
11 seller of those ancillary services cannot determine
12 where the associated telecommunications are located,
13 then the ancillary services shall be based on the
14 location of the purchaser.

15 (vii) Receipts to access a carrier's network or
16 from the sale of telecommunication services or
17 ancillary services for resale are in this State as
18 follows:

19 (a) 100% of the receipts from access fees
20 attributable to intrastate telecommunications
21 service that both originates and terminates in
22 this State.

23 (b) 50% of the receipts from access fees
24 attributable to interstate telecommunications
25 service if the interstate call either originates
26 or terminates in this State.

1 (c) 100% of the receipts from interstate end
2 user access line charges, if the customer's
3 service address is in this State. As used in this
4 subdivision, "interstate end user access line
5 charges" includes, but is not limited to, the
6 surcharge approved by the federal communications
7 commission and levied pursuant to 47 CFR 69.

8 (d) Gross receipts from sales of
9 telecommunication services or from ancillary
10 services for telecommunications services sold to
11 other telecommunication service providers for
12 resale shall be sourced to this State using the
13 apportionment concepts used for non-resale
14 receipts of telecommunications services if the
15 information is readily available to make that
16 determination. If the information is not readily
17 available, then the taxpayer may use any other
18 reasonable and consistent method.

19 (B-7) For taxable years ending on or after December 31,
20 2008, receipts from the sale of broadcasting services are
21 in this State if the broadcasting services are received in
22 this State. For purposes of this paragraph (B-7), the
23 following terms have the following meanings:

24 "Advertising revenue" means consideration received
25 by the taxpayer in exchange for broadcasting services
26 or allowing the broadcasting of commercials or

1 announcements in connection with the broadcasting of
2 film or radio programming, from sponsorships of the
3 programming, or from product placements in the
4 programming.

5 "Audience factor" means the ratio that the
6 audience or subscribers located in this State of a
7 station, a network, or a cable system bears to the
8 total audience or total subscribers for that station,
9 network, or cable system. The audience factor for film
10 or radio programming shall be determined by reference
11 to the books and records of the taxpayer or by
12 reference to published rating statistics provided the
13 method used by the taxpayer is consistently used from
14 year to year for this purpose and fairly represents the
15 taxpayer's activity in this State.

16 "Broadcast" or "broadcasting" or "broadcasting
17 services" means the transmission or provision of film
18 or radio programming, whether through the public
19 airwaves, by cable, by direct or indirect satellite
20 transmission, or by any other means of communication,
21 either through a station, a network, or a cable system.

22 "Film" or "film programming" means the broadcast
23 on television of any and all performances, events, or
24 productions, including but not limited to news,
25 sporting events, plays, stories, or other literary,
26 commercial, educational, or artistic works, either

1 live or through the use of video tape, disc, or any
2 other type of format or medium. Each episode of a
3 series of films produced for television shall
4 constitute separate "film" notwithstanding that the
5 series relates to the same principal subject and is
6 produced during one or more tax periods.

7 "Radio" or "radio programming" means the broadcast
8 on radio of any and all performances, events, or
9 productions, including but not limited to news,
10 sporting events, plays, stories, or other literary,
11 commercial, educational, or artistic works, either
12 live or through the use of an audio tape, disc, or any
13 other format or medium. Each episode in a series of
14 radio programming produced for radio broadcast shall
15 constitute a separate "radio programming"
16 notwithstanding that the series relates to the same
17 principal subject and is produced during one or more
18 tax periods.

19 (i) In the case of advertising revenue from
20 broadcasting, the customer is the advertiser and
21 the service is received in this State if the
22 commercial domicile of the advertiser is in this
23 State.

24 (ii) In the case where film or radio
25 programming is broadcast by a station, a network,
26 or a cable system for a fee or other remuneration

1 received from the recipient of the broadcast, the
2 portion of the service that is received in this
3 State is measured by the portion of the recipients
4 of the broadcast located in this State.
5 Accordingly, the fee or other remuneration for
6 such service that is included in the Illinois
7 numerator of the sales factor is the total of those
8 fees or other remuneration received from
9 recipients in Illinois. For purposes of this
10 paragraph, a taxpayer may determine the location
11 of the recipients of its broadcast using the
12 address of the recipient shown in its contracts
13 with the recipient or using the billing address of
14 the recipient in the taxpayer's records.

15 (iii) In the case where film or radio
16 programming is broadcast by a station, a network,
17 or a cable system for a fee or other remuneration
18 from the person providing the programming, the
19 portion of the broadcast service that is received
20 by such station, network, or cable system in this
21 State is measured by the portion of recipients of
22 the broadcast located in this State. Accordingly,
23 the amount of revenue related to such an
24 arrangement that is included in the Illinois
25 numerator of the sales factor is the total fee or
26 other total remuneration from the person providing

1 the programming related to that broadcast
2 multiplied by the Illinois audience factor for
3 that broadcast.

4 (iv) In the case where film or radio
5 programming is provided by a taxpayer that is a
6 network or station to a customer for broadcast in
7 exchange for a fee or other remuneration from that
8 customer the broadcasting service is received at
9 the location of the office of the customer from
10 which the services were ordered in the regular
11 course of the customer's trade or business.
12 Accordingly, in such a case the revenue derived by
13 the taxpayer that is included in the taxpayer's
14 Illinois numerator of the sales factor is the
15 revenue from such customers who receive the
16 broadcasting service in Illinois.

17 (v) In the case where film or radio programming
18 is provided by a taxpayer that is not a network or
19 station to another person for broadcasting in
20 exchange for a fee or other remuneration from that
21 person, the broadcasting service is received at
22 the location of the office of the customer from
23 which the services were ordered in the regular
24 course of the customer's trade or business.
25 Accordingly, in such a case the revenue derived by
26 the taxpayer that is included in the taxpayer's

1 Illinois numerator of the sales factor is the
2 revenue from such customers who receive the
3 broadcasting service in Illinois.

4 (B-8) Gross receipts from winnings under the Illinois
5 Lottery Law from the assignment of a prize under Section
6 13-1 of the Illinois Lottery Law are received in this
7 State. This paragraph (B-8) applies only to taxable years
8 ending on or after December 31, 2013.

9 (C) For taxable years ending before December 31, 2008,
10 sales, other than sales governed by paragraphs (B), (B-1),
11 (B-2), and (B-8) are in this State if:

12 (i) The income-producing activity is performed in
13 this State; or

14 (ii) The income-producing activity is performed
15 both within and without this State and a greater
16 proportion of the income-producing activity is
17 performed within this State than without this State,
18 based on performance costs.

19 (C-5) For taxable years ending on or after December 31,
20 2008, sales, other than sales governed by paragraphs (B),
21 (B-1), (B-2), (B-5), and (B-7), are in this State if any of
22 the following criteria are met:

23 (i) Sales from the sale or lease of real property
24 are in this State if the property is located in this
25 State.

26 (ii) Sales from the lease or rental of tangible

1 personal property are in this State if the property is
2 located in this State during the rental period. Sales
3 from the lease or rental of tangible personal property
4 that is characteristically moving property, including,
5 but not limited to, motor vehicles, rolling stock,
6 aircraft, vessels, or mobile equipment are in this
7 State to the extent that the property is used in this
8 State.

9 (iii) In the case of interest, net gains (but not
10 less than zero) and other items of income from
11 intangible personal property, the sale is in this State
12 if:

13 (a) in the case of a taxpayer who is a dealer
14 in the item of intangible personal property within
15 the meaning of Section 475 of the Internal Revenue
16 Code, the income or gain is received from a
17 customer in this State. For purposes of this
18 subparagraph, a customer is in this State if the
19 customer is an individual, trust or estate who is a
20 resident of this State and, for all other
21 customers, if the customer's commercial domicile
22 is in this State. Unless the dealer has actual
23 knowledge of the residence or commercial domicile
24 of a customer during a taxable year, the customer
25 shall be deemed to be a customer in this State if
26 the billing address of the customer, as shown in

1 the records of the dealer, is in this State; or

2 (b) in all other cases, if the
3 income-producing activity of the taxpayer is
4 performed in this State or, if the
5 income-producing activity of the taxpayer is
6 performed both within and without this State, if a
7 greater proportion of the income-producing
8 activity of the taxpayer is performed within this
9 State than in any other state, based on performance
10 costs.

11 (iv) Sales of services are in this State if the
12 services are received in this State. For the purposes
13 of this section, gross receipts from the performance of
14 services provided to a corporation, partnership, or
15 trust may only be attributed to a state where that
16 corporation, partnership, or trust has a fixed place of
17 business. If the state where the services are received
18 is not readily determinable or is a state where the
19 corporation, partnership, or trust receiving the
20 service does not have a fixed place of business, the
21 services shall be deemed to be received at the location
22 of the office of the customer from which the services
23 were ordered in the regular course of the customer's
24 trade or business. If the ordering office cannot be
25 determined, the services shall be deemed to be received
26 at the office of the customer to which the services are

1 billed. If the taxpayer is not taxable in the state in
2 which the services are received, the sale must be
3 excluded from both the numerator and the denominator of
4 the sales factor. The Department shall adopt rules
5 prescribing where specific types of service are
6 received, including, but not limited to, publishing,
7 and utility service.

8 (D) For taxable years ending on or after December 31,
9 1995, the following items of income shall not be included
10 in the numerator or denominator of the sales factor:
11 dividends; amounts included under Section 78 of the
12 Internal Revenue Code; and Subpart F income as defined in
13 Section 952 of the Internal Revenue Code. No inference
14 shall be drawn from the enactment of this paragraph (D) in
15 construing this Section for taxable years ending before
16 December 31, 1995.

17 (E) Paragraphs (B-1) and (B-2) shall apply to tax years
18 ending on or after December 31, 1999, provided that a
19 taxpayer may elect to apply the provisions of these
20 paragraphs to prior tax years. Such election shall be made
21 in the form and manner prescribed by the Department, shall
22 be irrevocable, and shall apply to all tax years; provided
23 that, if a taxpayer's Illinois income tax liability for any
24 tax year, as assessed under Section 903 prior to January 1,
25 1999, was computed in a manner contrary to the provisions
26 of paragraphs (B-1) or (B-2), no refund shall be payable to

1 the taxpayer for that tax year to the extent such refund is
2 the result of applying the provisions of paragraph (B-1) or
3 (B-2) retroactively. In the case of a unitary business
4 group, such election shall apply to all members of such
5 group for every tax year such group is in existence, but
6 shall not apply to any taxpayer for any period during which
7 that taxpayer is not a member of such group.

8 (b) Insurance companies.

9 (1) In general. Except as otherwise provided by
10 paragraph (2), business income of an insurance company for
11 a taxable year shall be apportioned to this State by
12 multiplying such income by a fraction, the numerator of
13 which is the direct premiums written for insurance upon
14 property or risk in this State, and the denominator of
15 which is the direct premiums written for insurance upon
16 property or risk everywhere. For purposes of this
17 subsection, the term "direct premiums written" means the
18 total amount of direct premiums written, assessments and
19 annuity considerations as reported for the taxable year on
20 the annual statement filed by the company with the Illinois
21 Director of Insurance in the form approved by the National
22 Convention of Insurance Commissioners or such other form as
23 may be prescribed in lieu thereof.

24 (2) Reinsurance. If the principal source of premiums
25 written by an insurance company consists of premiums for
26 reinsurance accepted by it, the business income of such

1 company shall be apportioned to this State by multiplying
2 such income by a fraction, the numerator of which is the
3 sum of (i) direct premiums written for insurance upon
4 property or risk in this State, plus (ii) premiums written
5 for reinsurance accepted in respect of property or risk in
6 this State, and the denominator of which is the sum of
7 (iii) direct premiums written for insurance upon property
8 or risk everywhere, plus (iv) premiums written for
9 reinsurance accepted in respect of property or risk
10 everywhere. For purposes of this paragraph, premiums
11 written for reinsurance accepted in respect of property or
12 risk in this State, whether or not otherwise determinable,
13 may, at the election of the company, be determined on the
14 basis of the proportion which premiums written for
15 reinsurance accepted from companies commercially domiciled
16 in Illinois bears to premiums written for reinsurance
17 accepted from all sources, or, alternatively, in the
18 proportion which the sum of the direct premiums written for
19 insurance upon property or risk in this State by each
20 ceding company from which reinsurance is accepted bears to
21 the sum of the total direct premiums written by each such
22 ceding company for the taxable year. The election made by a
23 company under this paragraph for its first taxable year
24 ending on or after December 31, 2011, shall be binding for
25 that company for that taxable year and for all subsequent
26 taxable years, and may be altered only with the written

1 permission of the Department, which shall not be
2 unreasonably withheld.

3 (c) Financial organizations.

4 (1) In general. For taxable years ending before
5 December 31, 2008, business income of a financial
6 organization shall be apportioned to this State by
7 multiplying such income by a fraction, the numerator of
8 which is its business income from sources within this
9 State, and the denominator of which is its business income
10 from all sources. For the purposes of this subsection, the
11 business income of a financial organization from sources
12 within this State is the sum of the amounts referred to in
13 subparagraphs (A) through (E) following, but excluding the
14 adjusted income of an international banking facility as
15 determined in paragraph (2):

16 (A) Fees, commissions or other compensation for
17 financial services rendered within this State;

18 (B) Gross profits from trading in stocks, bonds or
19 other securities managed within this State;

20 (C) Dividends, and interest from Illinois
21 customers, which are received within this State;

22 (D) Interest charged to customers at places of
23 business maintained within this State for carrying
24 debit balances of margin accounts, without deduction
25 of any costs incurred in carrying such accounts; and

26 (E) Any other gross income resulting from the

1 operation as a financial organization within this
2 State. In computing the amounts referred to in
3 paragraphs (A) through (E) of this subsection, any
4 amount received by a member of an affiliated group
5 (determined under Section 1504(a) of the Internal
6 Revenue Code but without reference to whether any such
7 corporation is an "includible corporation" under
8 Section 1504(b) of the Internal Revenue Code) from
9 another member of such group shall be included only to
10 the extent such amount exceeds expenses of the
11 recipient directly related thereto.

12 (2) International Banking Facility. For taxable years
13 ending before December 31, 2008:

14 (A) Adjusted Income. The adjusted income of an
15 international banking facility is its income reduced
16 by the amount of the floor amount.

17 (B) Floor Amount. The floor amount shall be the
18 amount, if any, determined by multiplying the income of
19 the international banking facility by a fraction, not
20 greater than one, which is determined as follows:

21 (i) The numerator shall be:

22 The average aggregate, determined on a
23 quarterly basis, of the financial organization's
24 loans to banks in foreign countries, to foreign
25 domiciled borrowers (except where secured
26 primarily by real estate) and to foreign

1 governments and other foreign official
2 institutions, as reported for its branches,
3 agencies and offices within the state on its
4 "Consolidated Report of Condition", Schedule A,
5 Lines 2.c., 5.b., and 7.a., which was filed with
6 the Federal Deposit Insurance Corporation and
7 other regulatory authorities, for the year 1980,
8 minus

9 The average aggregate, determined on a
10 quarterly basis, of such loans (other than loans of
11 an international banking facility), as reported by
12 the financial institution for its branches,
13 agencies and offices within the state, on the
14 corresponding Schedule and lines of the
15 Consolidated Report of Condition for the current
16 taxable year, provided, however, that in no case
17 shall the amount determined in this clause (the
18 subtrahend) exceed the amount determined in the
19 preceding clause (the minuend); and

20 (ii) the denominator shall be the average
21 aggregate, determined on a quarterly basis, of the
22 international banking facility's loans to banks in
23 foreign countries, to foreign domiciled borrowers
24 (except where secured primarily by real estate)
25 and to foreign governments and other foreign
26 official institutions, which were recorded in its

1 financial accounts for the current taxable year.

2 (C) Change to Consolidated Report of Condition and
3 in Qualification. In the event the Consolidated Report
4 of Condition which is filed with the Federal Deposit
5 Insurance Corporation and other regulatory authorities
6 is altered so that the information required for
7 determining the floor amount is not found on Schedule
8 A, lines 2.c., 5.b. and 7.a., the financial institution
9 shall notify the Department and the Department may, by
10 regulations or otherwise, prescribe or authorize the
11 use of an alternative source for such information. The
12 financial institution shall also notify the Department
13 should its international banking facility fail to
14 qualify as such, in whole or in part, or should there
15 be any amendment or change to the Consolidated Report
16 of Condition, as originally filed, to the extent such
17 amendment or change alters the information used in
18 determining the floor amount.

19 (3) For taxable years ending on or after December 31,
20 2008, the business income of a financial organization shall
21 be apportioned to this State by multiplying such income by
22 a fraction, the numerator of which is its gross receipts
23 from sources in this State or otherwise attributable to
24 this State's marketplace and the denominator of which is
25 its gross receipts everywhere during the taxable year.
26 "Gross receipts" for purposes of this subparagraph (3)

1 means gross income, including net taxable gain on
2 disposition of assets, including securities and money
3 market instruments, when derived from transactions and
4 activities in the regular course of the financial
5 organization's trade or business. The following examples
6 are illustrative:

7 (i) Receipts from the lease or rental of real or
8 tangible personal property are in this State if the
9 property is located in this State during the rental
10 period. Receipts from the lease or rental of tangible
11 personal property that is characteristically moving
12 property, including, but not limited to, motor
13 vehicles, rolling stock, aircraft, vessels, or mobile
14 equipment are from sources in this State to the extent
15 that the property is used in this State.

16 (ii) Interest income, commissions, fees, gains on
17 disposition, and other receipts from assets in the
18 nature of loans that are secured primarily by real
19 estate or tangible personal property are from sources
20 in this State if the security is located in this State.

21 (iii) Interest income, commissions, fees, gains on
22 disposition, and other receipts from consumer loans
23 that are not secured by real or tangible personal
24 property are from sources in this State if the debtor
25 is a resident of this State.

26 (iv) Interest income, commissions, fees, gains on

1 disposition, and other receipts from commercial loans
2 and installment obligations that are not secured by
3 real or tangible personal property are from sources in
4 this State if the proceeds of the loan are to be
5 applied in this State. If it cannot be determined where
6 the funds are to be applied, the income and receipts
7 are from sources in this State if the office of the
8 borrower from which the loan was negotiated in the
9 regular course of business is located in this State. If
10 the location of this office cannot be determined, the
11 income and receipts shall be excluded from the
12 numerator and denominator of the sales factor.

13 (v) Interest income, fees, gains on disposition,
14 service charges, merchant discount income, and other
15 receipts from credit card receivables are from sources
16 in this State if the card charges are regularly billed
17 to a customer in this State.

18 (vi) Receipts from the performance of services,
19 including, but not limited to, fiduciary, advisory,
20 and brokerage services, are in this State if the
21 services are received in this State within the meaning
22 of subparagraph (a) (3) (C-5) (iv) of this Section.

23 (vii) Receipts from the issuance of travelers
24 checks and money orders are from sources in this State
25 if the checks and money orders are issued from a
26 location within this State.

1 (viii) Receipts from investment assets and
2 activities and trading assets and activities are
3 included in the receipts factor as follows:

4 (1) Interest, dividends, net gains (but not
5 less than zero) and other income from investment
6 assets and activities from trading assets and
7 activities shall be included in the receipts
8 factor. Investment assets and activities and
9 trading assets and activities include but are not
10 limited to: investment securities; trading account
11 assets; federal funds; securities purchased and
12 sold under agreements to resell or repurchase;
13 options; futures contracts; forward contracts;
14 notional principal contracts such as swaps;
15 equities; and foreign currency transactions. With
16 respect to the investment and trading assets and
17 activities described in subparagraphs (A) and (B)
18 of this paragraph, the receipts factor shall
19 include the amounts described in such
20 subparagraphs.

21 (A) The receipts factor shall include the
22 amount by which interest from federal funds
23 sold and securities purchased under resale
24 agreements exceeds interest expense on federal
25 funds purchased and securities sold under
26 repurchase agreements.

1 (B) The receipts factor shall include the
2 amount by which interest, dividends, gains and
3 other income from trading assets and
4 activities, including but not limited to
5 assets and activities in the matched book, in
6 the arbitrage book, and foreign currency
7 transactions, exceed amounts paid in lieu of
8 interest, amounts paid in lieu of dividends,
9 and losses from such assets and activities.

10 (2) The numerator of the receipts factor
11 includes interest, dividends, net gains (but not
12 less than zero), and other income from investment
13 assets and activities and from trading assets and
14 activities described in paragraph (1) of this
15 subsection that are attributable to this State.

16 (A) The amount of interest, dividends, net
17 gains (but not less than zero), and other
18 income from investment assets and activities
19 in the investment account to be attributed to
20 this State and included in the numerator is
21 determined by multiplying all such income from
22 such assets and activities by a fraction, the
23 numerator of which is the gross income from
24 such assets and activities which are properly
25 assigned to a fixed place of business of the
26 taxpayer within this State and the denominator

1 of which is the gross income from all such
2 assets and activities.

3 (B) The amount of interest from federal
4 funds sold and purchased and from securities
5 purchased under resale agreements and
6 securities sold under repurchase agreements
7 attributable to this State and included in the
8 numerator is determined by multiplying the
9 amount described in subparagraph (A) of
10 paragraph (1) of this subsection from such
11 funds and such securities by a fraction, the
12 numerator of which is the gross income from
13 such funds and such securities which are
14 properly assigned to a fixed place of business
15 of the taxpayer within this State and the
16 denominator of which is the gross income from
17 all such funds and such securities.

18 (C) The amount of interest, dividends,
19 gains, and other income from trading assets and
20 activities, including but not limited to
21 assets and activities in the matched book, in
22 the arbitrage book and foreign currency
23 transactions (but excluding amounts described
24 in subparagraphs (A) or (B) of this paragraph),
25 attributable to this State and included in the
26 numerator is determined by multiplying the

1 amount described in subparagraph (B) of
2 paragraph (1) of this subsection by a fraction,
3 the numerator of which is the gross income from
4 such trading assets and activities which are
5 properly assigned to a fixed place of business
6 of the taxpayer within this State and the
7 denominator of which is the gross income from
8 all such assets and activities.

9 (D) Properly assigned, for purposes of
10 this paragraph (2) of this subsection, means
11 the investment or trading asset or activity is
12 assigned to the fixed place of business with
13 which it has a preponderance of substantive
14 contacts. An investment or trading asset or
15 activity assigned by the taxpayer to a fixed
16 place of business without the State shall be
17 presumed to have been properly assigned if:

18 (i) the taxpayer has assigned, in the
19 regular course of its business, such asset
20 or activity on its records to a fixed place
21 of business consistent with federal or
22 state regulatory requirements;

23 (ii) such assignment on its records is
24 based upon substantive contacts of the
25 asset or activity to such fixed place of
26 business; and

1 (iii) the taxpayer uses such records
2 reflecting assignment of such assets or
3 activities for the filing of all state and
4 local tax returns for which an assignment
5 of such assets or activities to a fixed
6 place of business is required.

7 (E) The presumption of proper assignment
8 of an investment or trading asset or activity
9 provided in subparagraph (D) of paragraph (2)
10 of this subsection may be rebutted upon a
11 showing by the Department, supported by a
12 preponderance of the evidence, that the
13 preponderance of substantive contacts
14 regarding such asset or activity did not occur
15 at the fixed place of business to which it was
16 assigned on the taxpayer's records. If the
17 fixed place of business that has a
18 preponderance of substantive contacts cannot
19 be determined for an investment or trading
20 asset or activity to which the presumption in
21 subparagraph (D) of paragraph (2) of this
22 subsection does not apply or with respect to
23 which that presumption has been rebutted, that
24 asset or activity is properly assigned to the
25 state in which the taxpayer's commercial
26 domicile is located. For purposes of this

1 subparagraph (E), it shall be presumed,
2 subject to rebuttal, that taxpayer's
3 commercial domicile is in the state of the
4 United States or the District of Columbia to
5 which the greatest number of employees are
6 regularly connected with the management of the
7 investment or trading income or out of which
8 they are working, irrespective of where the
9 services of such employees are performed, as of
10 the last day of the taxable year.

11 (4) (Blank).

12 (5) (Blank).

13 (c-1) Federally regulated exchanges. For taxable years
14 ending on or after December 31, 2012, business income of a
15 federally regulated exchange shall, at the option of the
16 federally regulated exchange, be apportioned to this State by
17 multiplying such income by a fraction, the numerator of which
18 is its business income from sources within this State, and the
19 denominator of which is its business income from all sources.
20 For purposes of this subsection, the business income within
21 this State of a federally regulated exchange is the sum of the
22 following:

23 (1) Receipts attributable to transactions executed on
24 a physical trading floor if that physical trading floor is
25 located in this State.

26 (2) Receipts attributable to all other matching,

1 execution, or clearing transactions, including without
2 limitation receipts from the provision of matching,
3 execution, or clearing services to another entity,
4 multiplied by (i) for taxable years ending on or after
5 December 31, 2012 but before December 31, 2013, 63.77%; and
6 (ii) for taxable years ending on or after December 31,
7 2013, 27.54%.

8 (3) All other receipts not governed by subparagraphs
9 (1) or (2) of this subsection (c-1), to the extent the
10 receipts would be characterized as "sales in this State"
11 under item (3) of subsection (a) of this Section.

12 "Federally regulated exchange" means (i) a "registered
13 entity" within the meaning of 7 U.S.C. Section 1a(40)(A), (B),
14 or (C), (ii) an "exchange" or "clearing agency" within the
15 meaning of 15 U.S.C. Section 78c (a)(1) or (23), (iii) any such
16 entities regulated under any successor regulatory structure to
17 the foregoing, and (iv) all taxpayers who are members of the
18 same unitary business group as a federally regulated exchange,
19 determined without regard to the prohibition in Section
20 1501(a)(27) of this Act against including in a unitary business
21 group taxpayers who are ordinarily required to apportion
22 business income under different subsections of this Section;
23 provided that this subparagraph (iv) shall apply only if 50% or
24 more of the business receipts of the unitary business group
25 determined by application of this subparagraph (iv) for the
26 taxable year are attributable to the matching, execution, or

1 clearing of transactions conducted by an entity described in
2 subparagraph (i), (ii), or (iii) of this paragraph.

3 In no event shall the Illinois apportionment percentage
4 computed in accordance with this subsection (c-1) for any
5 taxpayer for any tax year be less than the Illinois
6 apportionment percentage computed under this subsection (c-1)
7 for that taxpayer for the first full tax year ending on or
8 after December 31, 2013 for which this subsection (c-1) applied
9 to the taxpayer.

10 (d) Transportation services. For taxable years ending
11 before December 31, 2008, business income derived from
12 furnishing transportation services shall be apportioned to
13 this State in accordance with paragraphs (1) and (2):

14 (1) Such business income (other than that derived from
15 transportation by pipeline) shall be apportioned to this
16 State by multiplying such income by a fraction, the
17 numerator of which is the revenue miles of the person in
18 this State, and the denominator of which is the revenue
19 miles of the person everywhere. For purposes of this
20 paragraph, a revenue mile is the transportation of 1
21 passenger or 1 net ton of freight the distance of 1 mile
22 for a consideration. Where a person is engaged in the
23 transportation of both passengers and freight, the
24 fraction above referred to shall be determined by means of
25 an average of the passenger revenue mile fraction and the
26 freight revenue mile fraction, weighted to reflect the

1 person's

2 (A) relative railway operating income from total
3 passenger and total freight service, as reported to the
4 Interstate Commerce Commission, in the case of
5 transportation by railroad, and

6 (B) relative gross receipts from passenger and
7 freight transportation, in case of transportation
8 other than by railroad.

9 (2) Such business income derived from transportation
10 by pipeline shall be apportioned to this State by
11 multiplying such income by a fraction, the numerator of
12 which is the revenue miles of the person in this State, and
13 the denominator of which is the revenue miles of the person
14 everywhere. For the purposes of this paragraph, a revenue
15 mile is the transportation by pipeline of 1 barrel of oil,
16 1,000 cubic feet of gas, or of any specified quantity of
17 any other substance, the distance of 1 mile for a
18 consideration.

19 (3) For taxable years ending on or after December 31,
20 2008, business income derived from providing
21 transportation services other than airline services shall
22 be apportioned to this State by using a fraction, (a) the
23 numerator of which shall be (i) all receipts from any
24 movement or shipment of people, goods, mail, oil, gas, or
25 any other substance (other than by airline) that both
26 originates and terminates in this State, plus (ii) that

1 portion of the person's gross receipts from movements or
2 shipments of people, goods, mail, oil, gas, or any other
3 substance (other than by airline) that originates in one
4 state or jurisdiction and terminates in another state or
5 jurisdiction, that is determined by the ratio that the
6 miles traveled in this State bears to total miles
7 everywhere and (b) the denominator of which shall be all
8 revenue derived from the movement or shipment of people,
9 goods, mail, oil, gas, or any other substance (other than
10 by airline). Where a taxpayer is engaged in the
11 transportation of both passengers and freight, the
12 fraction above referred to shall first be determined
13 separately for passenger miles and freight miles. Then an
14 average of the passenger miles fraction and the freight
15 miles fraction shall be weighted to reflect the taxpayer's:

16 (A) relative railway operating income from total
17 passenger and total freight service, as reported to the
18 Surface Transportation Board, in the case of
19 transportation by railroad; and

20 (B) relative gross receipts from passenger and
21 freight transportation, in case of transportation
22 other than by railroad.

23 (4) For taxable years ending on or after December 31,
24 2008, business income derived from furnishing airline
25 transportation services shall be apportioned to this State
26 by multiplying such income by a fraction, the numerator of

1 which is the revenue miles of the person in this State, and
2 the denominator of which is the revenue miles of the person
3 everywhere. For purposes of this paragraph, a revenue mile
4 is the transportation of one passenger or one net ton of
5 freight the distance of one mile for a consideration. If a
6 person is engaged in the transportation of both passengers
7 and freight, the fraction above referred to shall be
8 determined by means of an average of the passenger revenue
9 mile fraction and the freight revenue mile fraction,
10 weighted to reflect the person's relative gross receipts
11 from passenger and freight airline transportation.

12 (e) Combined apportionment. Where 2 or more persons are
13 engaged in a unitary business as described in subsection
14 (a)(27) of Section 1501, a part of which is conducted in this
15 State by one or more members of the group, the business income
16 attributable to this State by any such member or members shall
17 be apportioned by means of the combined apportionment method.

18 (f) Alternative allocation. If the allocation and
19 apportionment provisions of subsections (a) through (e) and of
20 subsection (h) do not, for taxable years ending before December
21 31, 2008, fairly represent the extent of a person's business
22 activity in this State, or, for taxable years ending on or
23 after December 31, 2008, fairly represent the market for the
24 person's goods, services, or other sources of business income,
25 the person may petition for, or the Director may, without a
26 petition, permit or require, in respect of all or any part of

1 the person's business activity, if reasonable:

2 (1) Separate accounting;

3 (2) The exclusion of any one or more factors;

4 (3) The inclusion of one or more additional factors
5 which will fairly represent the person's business
6 activities or market in this State; or

7 (4) The employment of any other method to effectuate an
8 equitable allocation and apportionment of the person's
9 business income.

10 (g) Cross reference. For allocation of business income by
11 residents, see Section 301(a).

12 (h) For tax years ending on or after December 31, 1998, the
13 apportionment factor of persons who apportion their business
14 income to this State under subsection (a) shall be equal to:

15 (1) for tax years ending on or after December 31, 1998
16 and before December 31, 1999, $16 \frac{2}{3}\%$ of the property
17 factor plus $16 \frac{2}{3}\%$ of the payroll factor plus $66 \frac{2}{3}\%$ of
18 the sales factor;

19 (2) for tax years ending on or after December 31, 1999
20 and before December 31, 2000, $8 \frac{1}{3}\%$ of the property factor
21 plus $8 \frac{1}{3}\%$ of the payroll factor plus $83 \frac{1}{3}\%$ of the sales
22 factor;

23 (3) for tax years ending on or after December 31, 2000,
24 the sales factor.

25 If, in any tax year ending on or after December 31, 1998 and
26 before December 31, 2000, the denominator of the payroll,

1 property, or sales factor is zero, the apportionment factor
2 computed in paragraph (1) or (2) of this subsection for that
3 year shall be divided by an amount equal to 100% minus the
4 percentage weight given to each factor whose denominator is
5 equal to zero.

6 (Source: P.A. 97-507, eff. 8-23-11; 97-636, eff. 6-1-12;
7 98-478, eff. 1-1-14; 98-496, eff. 1-1-14; revised 9-9-13.)

8 Section 175. The Use Tax Act is amended by changing
9 Sections 3-5 and 9 as follows:

10 (35 ILCS 105/3-5)

11 Sec. 3-5. Exemptions. Use of the following tangible
12 personal property is exempt from the tax imposed by this Act:

13 (1) Personal property purchased from a corporation,
14 society, association, foundation, institution, or
15 organization, other than a limited liability company, that is
16 organized and operated as a not-for-profit service enterprise
17 for the benefit of persons 65 years of age or older if the
18 personal property was not purchased by the enterprise for the
19 purpose of resale by the enterprise.

20 (2) Personal property purchased by a not-for-profit
21 Illinois county fair association for use in conducting,
22 operating, or promoting the county fair.

23 (3) Personal property purchased by a not-for-profit arts or
24 cultural organization that establishes, by proof required by

1 the Department by rule, that it has received an exemption under
2 Section 501(c)(3) of the Internal Revenue Code and that is
3 organized and operated primarily for the presentation or
4 support of arts or cultural programming, activities, or
5 services. These organizations include, but are not limited to,
6 music and dramatic arts organizations such as symphony
7 orchestras and theatrical groups, arts and cultural service
8 organizations, local arts councils, visual arts organizations,
9 and media arts organizations. On and after the effective date
10 of this amendatory Act of the 92nd General Assembly, however,
11 an entity otherwise eligible for this exemption shall not make
12 tax-free purchases unless it has an active identification
13 number issued by the Department.

14 (4) Personal property purchased by a governmental body, by
15 a corporation, society, association, foundation, or
16 institution organized and operated exclusively for charitable,
17 religious, or educational purposes, or by a not-for-profit
18 corporation, society, association, foundation, institution, or
19 organization that has no compensated officers or employees and
20 that is organized and operated primarily for the recreation of
21 persons 55 years of age or older. A limited liability company
22 may qualify for the exemption under this paragraph only if the
23 limited liability company is organized and operated
24 exclusively for educational purposes. On and after July 1,
25 1987, however, no entity otherwise eligible for this exemption
26 shall make tax-free purchases unless it has an active exemption

1 identification number issued by the Department.

2 (5) Until July 1, 2003, a passenger car that is a
3 replacement vehicle to the extent that the purchase price of
4 the car is subject to the Replacement Vehicle Tax.

5 (6) Until July 1, 2003 and beginning again on September 1,
6 2004 through August 30, 2014, graphic arts machinery and
7 equipment, including repair and replacement parts, both new and
8 used, and including that manufactured on special order,
9 certified by the purchaser to be used primarily for graphic
10 arts production, and including machinery and equipment
11 purchased for lease. Equipment includes chemicals or chemicals
12 acting as catalysts but only if the chemicals or chemicals
13 acting as catalysts effect a direct and immediate change upon a
14 graphic arts product.

15 (7) Farm chemicals.

16 (8) Legal tender, currency, medallions, or gold or silver
17 coinage issued by the State of Illinois, the government of the
18 United States of America, or the government of any foreign
19 country, and bullion.

20 (9) Personal property purchased from a teacher-sponsored
21 student organization affiliated with an elementary or
22 secondary school located in Illinois.

23 (10) A motor vehicle that is used for automobile renting,
24 as defined in the Automobile Renting Occupation and Use Tax
25 Act.

26 (11) Farm machinery and equipment, both new and used,

1 including that manufactured on special order, certified by the
2 purchaser to be used primarily for production agriculture or
3 State or federal agricultural programs, including individual
4 replacement parts for the machinery and equipment, including
5 machinery and equipment purchased for lease, and including
6 implements of husbandry defined in Section 1-130 of the
7 Illinois Vehicle Code, farm machinery and agricultural
8 chemical and fertilizer spreaders, and nurse wagons required to
9 be registered under Section 3-809 of the Illinois Vehicle Code,
10 but excluding other motor vehicles required to be registered
11 under the Illinois Vehicle Code. Horticultural polyhouses or
12 hoop houses used for propagating, growing, or overwintering
13 plants shall be considered farm machinery and equipment under
14 this item (11). Agricultural chemical tender tanks and dry
15 boxes shall include units sold separately from a motor vehicle
16 required to be licensed and units sold mounted on a motor
17 vehicle required to be licensed if the selling price of the
18 tender is separately stated.

19 Farm machinery and equipment shall include precision
20 farming equipment that is installed or purchased to be
21 installed on farm machinery and equipment including, but not
22 limited to, tractors, harvesters, sprayers, planters, seeders,
23 or spreaders. Precision farming equipment includes, but is not
24 limited to, soil testing sensors, computers, monitors,
25 software, global positioning and mapping systems, and other
26 such equipment.

1 Farm machinery and equipment also includes computers,
2 sensors, software, and related equipment used primarily in the
3 computer-assisted operation of production agriculture
4 facilities, equipment, and activities such as, but not limited
5 to, the collection, monitoring, and correlation of animal and
6 crop data for the purpose of formulating animal diets and
7 agricultural chemicals. This item (11) is exempt from the
8 provisions of Section 3-90.

9 (12) Until June 30, 2013, fuel and petroleum products sold
10 to or used by an air common carrier, certified by the carrier
11 to be used for consumption, shipment, or storage in the conduct
12 of its business as an air common carrier, for a flight destined
13 for or returning from a location or locations outside the
14 United States without regard to previous or subsequent domestic
15 stopovers.

16 Beginning July 1, 2013, fuel and petroleum products sold to
17 or used by an air carrier, certified by the carrier to be used
18 for consumption, shipment, or storage in the conduct of its
19 business as an air common carrier, for a flight that (i) is
20 engaged in foreign trade or is engaged in trade between the
21 United States and any of its possessions and (ii) transports at
22 least one individual or package for hire from the city of
23 origination to the city of final destination on the same
24 aircraft, without regard to a change in the flight number of
25 that aircraft.

26 (13) Proceeds of mandatory service charges separately

1 stated on customers' bills for the purchase and consumption of
2 food and beverages purchased at retail from a retailer, to the
3 extent that the proceeds of the service charge are in fact
4 turned over as tips or as a substitute for tips to the
5 employees who participate directly in preparing, serving,
6 hosting or cleaning up the food or beverage function with
7 respect to which the service charge is imposed.

8 (14) Until July 1, 2003, oil field exploration, drilling,
9 and production equipment, including (i) rigs and parts of rigs,
10 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
11 tubular goods, including casing and drill strings, (iii) pumps
12 and pump-jack units, (iv) storage tanks and flow lines, (v) any
13 individual replacement part for oil field exploration,
14 drilling, and production equipment, and (vi) machinery and
15 equipment purchased for lease; but excluding motor vehicles
16 required to be registered under the Illinois Vehicle Code.

17 (15) Photoprocessing machinery and equipment, including
18 repair and replacement parts, both new and used, including that
19 manufactured on special order, certified by the purchaser to be
20 used primarily for photoprocessing, and including
21 photoprocessing machinery and equipment purchased for lease.

22 (16) Coal and aggregate exploration, mining, off-highway
23 ~~off-highway~~ hauling, processing, maintenance, and reclamation
24 equipment, including replacement parts and equipment, and
25 including equipment purchased for lease, but excluding motor
26 vehicles required to be registered under the Illinois Vehicle

1 Code. The changes made to this Section by Public Act 97-767
2 apply on and after July 1, 2003, but no claim for credit or
3 refund is allowed on or after August 16, 2013 (the effective
4 date of Public Act 98-456) ~~this amendatory Act of the 98th~~
5 ~~General Assembly~~ for such taxes paid during the period
6 beginning July 1, 2003 and ending on August 16, 2013 (the
7 effective date of Public Act 98-456) ~~this amendatory Act of the~~
8 ~~98th General Assembly~~.

9 (17) Until July 1, 2003, distillation machinery and
10 equipment, sold as a unit or kit, assembled or installed by the
11 retailer, certified by the user to be used only for the
12 production of ethyl alcohol that will be used for consumption
13 as motor fuel or as a component of motor fuel for the personal
14 use of the user, and not subject to sale or resale.

15 (18) Manufacturing and assembling machinery and equipment
16 used primarily in the process of manufacturing or assembling
17 tangible personal property for wholesale or retail sale or
18 lease, whether that sale or lease is made directly by the
19 manufacturer or by some other person, whether the materials
20 used in the process are owned by the manufacturer or some other
21 person, or whether that sale or lease is made apart from or as
22 an incident to the seller's engaging in the service occupation
23 of producing machines, tools, dies, jigs, patterns, gauges, or
24 other similar items of no commercial value on special order for
25 a particular purchaser. The exemption provided by this
26 paragraph (18) does not include machinery and equipment used in

1 (i) the generation of electricity for wholesale or retail sale;
2 (ii) the generation or treatment of natural or artificial gas
3 for wholesale or retail sale that is delivered to customers
4 through pipes, pipelines, or mains; or (iii) the treatment of
5 water for wholesale or retail sale that is delivered to
6 customers through pipes, pipelines, or mains. The provisions of
7 Public Act 98-583 ~~this amendatory Act of the 98th General~~
8 ~~Assembly~~ are declaratory of existing law as to the meaning and
9 scope of this exemption.

10 (19) Personal property delivered to a purchaser or
11 purchaser's donee inside Illinois when the purchase order for
12 that personal property was received by a florist located
13 outside Illinois who has a florist located inside Illinois
14 deliver the personal property.

15 (20) Semen used for artificial insemination of livestock
16 for direct agricultural production.

17 (21) Horses, or interests in horses, registered with and
18 meeting the requirements of any of the Arabian Horse Club
19 Registry of America, Appaloosa Horse Club, American Quarter
20 Horse Association, United States Trotting Association, or
21 Jockey Club, as appropriate, used for purposes of breeding or
22 racing for prizes. This item (21) is exempt from the provisions
23 of Section 3-90, and the exemption provided for under this item
24 (21) applies for all periods beginning May 30, 1995, but no
25 claim for credit or refund is allowed on or after January 1,
26 2008 for such taxes paid during the period beginning May 30,

1 2000 and ending on January 1, 2008.

2 (22) Computers and communications equipment utilized for
3 any hospital purpose and equipment used in the diagnosis,
4 analysis, or treatment of hospital patients purchased by a
5 lessor who leases the equipment, under a lease of one year or
6 longer executed or in effect at the time the lessor would
7 otherwise be subject to the tax imposed by this Act, to a
8 hospital that has been issued an active tax exemption
9 identification number by the Department under Section 1g of the
10 Retailers' Occupation Tax Act. If the equipment is leased in a
11 manner that does not qualify for this exemption or is used in
12 any other non-exempt manner, the lessor shall be liable for the
13 tax imposed under this Act or the Service Use Tax Act, as the
14 case may be, based on the fair market value of the property at
15 the time the non-qualifying use occurs. No lessor shall collect
16 or attempt to collect an amount (however designated) that
17 purports to reimburse that lessor for the tax imposed by this
18 Act or the Service Use Tax Act, as the case may be, if the tax
19 has not been paid by the lessor. If a lessor improperly
20 collects any such amount from the lessee, the lessee shall have
21 a legal right to claim a refund of that amount from the lessor.
22 If, however, that amount is not refunded to the lessee for any
23 reason, the lessor is liable to pay that amount to the
24 Department.

25 (23) Personal property purchased by a lessor who leases the
26 property, under a lease of one year or longer executed or in

1 effect at the time the lessor would otherwise be subject to the
2 tax imposed by this Act, to a governmental body that has been
3 issued an active sales tax exemption identification number by
4 the Department under Section 1g of the Retailers' Occupation
5 Tax Act. If the property is leased in a manner that does not
6 qualify for this exemption or used in any other non-exempt
7 manner, the lessor shall be liable for the tax imposed under
8 this Act or the Service Use Tax Act, as the case may be, based
9 on the fair market value of the property at the time the
10 non-qualifying use occurs. No lessor shall collect or attempt
11 to collect an amount (however designated) that purports to
12 reimburse that lessor for the tax imposed by this Act or the
13 Service Use Tax Act, as the case may be, if the tax has not been
14 paid by the lessor. If a lessor improperly collects any such
15 amount from the lessee, the lessee shall have a legal right to
16 claim a refund of that amount from the lessor. If, however,
17 that amount is not refunded to the lessee for any reason, the
18 lessor is liable to pay that amount to the Department.

19 (24) 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 donated for
22 disaster relief to be used in a State or federally declared
23 disaster area in Illinois or bordering Illinois by a
24 manufacturer or retailer that is registered in this State to a
25 corporation, society, association, foundation, or institution
26 that has been issued a sales tax exemption identification

1 number by the Department that assists victims of the disaster
2 who reside within the declared disaster area.

3 (25) Beginning with taxable years ending on or after
4 December 31, 1995 and ending with taxable years ending on or
5 before December 31, 2004, personal property that is used in the
6 performance of infrastructure repairs in this State, including
7 but not limited to municipal roads and streets, access roads,
8 bridges, sidewalks, waste disposal systems, water and sewer
9 line extensions, water distribution and purification
10 facilities, storm water drainage and retention facilities, and
11 sewage treatment facilities, resulting from a State or
12 federally declared disaster in Illinois or bordering Illinois
13 when such repairs are initiated on facilities located in the
14 declared disaster area within 6 months after the disaster.

15 (26) Beginning July 1, 1999, game or game birds purchased
16 at a "game breeding and hunting preserve area" as that term is
17 used in the Wildlife Code. This paragraph is exempt from the
18 provisions of Section 3-90.

19 (27) A motor vehicle, as that term is defined in Section
20 1-146 of the Illinois Vehicle Code, that is donated to a
21 corporation, limited liability company, society, association,
22 foundation, or institution that is determined by the Department
23 to be organized and operated exclusively for educational
24 purposes. For purposes of this exemption, "a corporation,
25 limited liability company, society, association, foundation,
26 or institution organized and operated exclusively for

1 educational purposes" means all tax-supported public schools,
2 private schools that offer systematic instruction in useful
3 branches of learning by methods common to public schools and
4 that compare favorably in their scope and intensity with the
5 course of study presented in tax-supported schools, and
6 vocational or technical schools or institutes organized and
7 operated exclusively to provide a course of study of not less
8 than 6 weeks duration and designed to prepare individuals to
9 follow a trade or to pursue a manual, technical, mechanical,
10 industrial, business, or commercial occupation.

11 (28) Beginning January 1, 2000, personal property,
12 including food, purchased through fundraising events for the
13 benefit of a public or private elementary or secondary school,
14 a group of those schools, or one or more school districts if
15 the events are sponsored by an entity recognized by the school
16 district that consists primarily of volunteers and includes
17 parents and teachers of the school children. This paragraph
18 does not apply to fundraising events (i) for the benefit of
19 private home instruction or (ii) for which the fundraising
20 entity purchases the personal property sold at the events from
21 another individual or entity that sold the property for the
22 purpose of resale by the fundraising entity and that profits
23 from the sale to the fundraising entity. This paragraph is
24 exempt from the provisions of Section 3-90.

25 (29) Beginning January 1, 2000 and through December 31,
26 2001, new or used automatic vending machines that prepare and

1 serve hot food and beverages, including coffee, soup, and other
2 items, and replacement parts for these machines. Beginning
3 January 1, 2002 and through June 30, 2003, machines and parts
4 for machines used in commercial, coin-operated amusement and
5 vending business if a use or occupation tax is paid on the
6 gross receipts derived from the use of the commercial,
7 coin-operated amusement and vending machines. This paragraph
8 is exempt from the provisions of Section 3-90.

9 (30) Beginning January 1, 2001 and through June 30, 2016,
10 food for human consumption that is to be consumed off the
11 premises where it is sold (other than alcoholic beverages, soft
12 drinks, and food that has been prepared for immediate
13 consumption) and prescription and nonprescription medicines,
14 drugs, medical appliances, and insulin, urine testing
15 materials, syringes, and needles used by diabetics, for human
16 use, when purchased for use by a person receiving medical
17 assistance under Article V of the Illinois Public Aid Code who
18 resides in a licensed long-term care facility, as defined in
19 the Nursing Home Care Act, or in a licensed facility as defined
20 in the ID/DD Community Care Act or the Specialized Mental
21 Health Rehabilitation Act of 2013.

22 (31) Beginning on the effective date of this amendatory Act
23 of the 92nd General Assembly, computers and communications
24 equipment utilized for any hospital purpose and equipment used
25 in the diagnosis, analysis, or treatment of hospital patients
26 purchased by a lessor who leases the equipment, under a lease

1 of one year or longer executed or in effect at the time the
2 lessor would otherwise be subject to the tax imposed by this
3 Act, to a hospital that has been issued an active tax exemption
4 identification number by the Department under Section 1g of the
5 Retailers' Occupation Tax Act. If the equipment is leased in a
6 manner that does not qualify for this exemption or is used in
7 any other nonexempt manner, the lessor shall be liable for the
8 tax imposed under this Act or the Service Use Tax Act, as the
9 case may be, based on the fair market value of the property at
10 the time the nonqualifying use occurs. No lessor shall collect
11 or attempt to collect an amount (however designated) that
12 purports to reimburse that lessor for the tax imposed by this
13 Act or the Service Use Tax Act, as the case may be, if the tax
14 has not been paid by the lessor. If a lessor improperly
15 collects any such amount from the lessee, the lessee shall have
16 a legal right to claim a refund of that amount from the lessor.
17 If, however, that amount is not refunded to the lessee for any
18 reason, the lessor is liable to pay that amount to the
19 Department. This paragraph is exempt from the provisions of
20 Section 3-90.

21 (32) Beginning on the effective date of this amendatory Act
22 of the 92nd General Assembly, personal property purchased by a
23 lessor who leases the property, under a lease of one year or
24 longer executed or in effect at the time the lessor would
25 otherwise be subject to the tax imposed by this Act, to a
26 governmental body that has been issued an active sales tax

1 exemption identification number by the Department under
2 Section 1g of the Retailers' Occupation Tax Act. If the
3 property is leased in a manner that does not qualify for this
4 exemption or used in any other nonexempt manner, the lessor
5 shall be liable for the tax imposed under this Act or the
6 Service Use Tax Act, as the case may be, based on the fair
7 market value of the property at the time the nonqualifying use
8 occurs. No lessor shall collect or attempt to collect an amount
9 (however designated) that purports to reimburse that lessor for
10 the tax imposed by this Act or the Service Use Tax Act, as the
11 case may be, if the tax has not been paid by the lessor. If a
12 lessor improperly collects any such amount from the lessee, the
13 lessee shall have a legal right to claim a refund of that
14 amount from the lessor. If, however, that amount is not
15 refunded to the lessee for any reason, the lessor is liable to
16 pay that amount to the Department. This paragraph is exempt
17 from the provisions of Section 3-90.

18 (33) On and after July 1, 2003 and through June 30, 2004,
19 the use in this State of motor vehicles of the second division
20 with a gross vehicle weight in excess of 8,000 pounds and that
21 are subject to the commercial distribution fee imposed under
22 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July
23 1, 2004 and through June 30, 2005, the use in this State of
24 motor vehicles of the second division: (i) with a gross vehicle
25 weight rating in excess of 8,000 pounds; (ii) that are subject
26 to the commercial distribution fee imposed under Section

1 3-815.1 of the Illinois Vehicle Code; and (iii) that are
2 primarily used for commercial purposes. Through June 30, 2005,
3 this exemption applies to repair and replacement parts added
4 after the initial purchase of such a motor vehicle if that
5 motor vehicle is used in a manner that would qualify for the
6 rolling stock exemption otherwise provided for in this Act. For
7 purposes of this paragraph, the term "used for commercial
8 purposes" means the transportation of persons or property in
9 furtherance of any commercial or industrial enterprise,
10 whether for-hire or not.

11 (34) Beginning January 1, 2008, tangible personal property
12 used in the construction or maintenance of a community water
13 supply, as defined under Section 3.145 of the Environmental
14 Protection Act, that is operated by a not-for-profit
15 corporation that holds a valid water supply permit issued under
16 Title IV of the Environmental Protection Act. This paragraph is
17 exempt from the provisions of Section 3-90.

18 (35) Beginning January 1, 2010, materials, parts,
19 equipment, components, and furnishings incorporated into or
20 upon an aircraft as part of the modification, refurbishment,
21 completion, replacement, repair, or maintenance of the
22 aircraft. This exemption includes consumable supplies used in
23 the modification, refurbishment, completion, replacement,
24 repair, and maintenance of aircraft, but excludes any
25 materials, parts, equipment, components, and consumable
26 supplies used in the modification, replacement, repair, and

1 maintenance of aircraft engines or power plants, whether such
2 engines or power plants are installed or uninstalled upon any
3 such aircraft. "Consumable supplies" include, but are not
4 limited to, adhesive, tape, sandpaper, general purpose
5 lubricants, cleaning solution, latex gloves, and protective
6 films. This exemption applies only to the use of qualifying
7 tangible personal property by persons who modify, refurbish,
8 complete, repair, replace, or maintain aircraft and who (i)
9 hold an Air Agency Certificate and are empowered to operate an
10 approved repair station by the Federal Aviation
11 Administration, (ii) have a Class IV Rating, and (iii) conduct
12 operations in accordance with Part 145 of the Federal Aviation
13 Regulations. The exemption does not include aircraft operated
14 by a commercial air carrier providing scheduled passenger air
15 service pursuant to authority issued under Part 121 or Part 129
16 of the Federal Aviation Regulations. The changes made to this
17 paragraph (35) by Public Act 98-534 ~~this amendatory Act of the~~
18 ~~98th General Assembly~~ are declarative of existing law.

19 (36) Tangible personal property purchased by a
20 public-facilities corporation, as described in Section
21 11-65-10 of the Illinois Municipal Code, for purposes of
22 constructing or furnishing a municipal convention hall, but
23 only if the legal title to the municipal convention hall is
24 transferred to the municipality without any further
25 consideration by or on behalf of the municipality at the time
26 of the completion of the municipal convention hall or upon the

1 retirement or redemption of any bonds or other debt instruments
2 issued by the public-facilities corporation in connection with
3 the development of the municipal convention hall. This
4 exemption includes existing public-facilities corporations as
5 provided in Section 11-65-25 of the Illinois Municipal Code.
6 This paragraph is exempt from the provisions of Section 3-90.

7 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-431,
8 eff. 8-16-11; 97-636, eff. 6-1-12; 97-767, eff. 7-9-12; 98-104,
9 eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13;
10 98-534, eff. 8-23-13; 98-574, eff. 1-1-14; 98-583, eff. 1-1-14;
11 revised 9-9-13.)

12 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

13 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
14 and trailers that are required to be registered with an agency
15 of this State, each retailer required or authorized to collect
16 the tax imposed by this Act shall pay to the Department the
17 amount of such tax (except as otherwise provided) at the time
18 when he is required to file his return for the period during
19 which such tax was collected, less a discount of 2.1% prior to
20 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
21 per calendar year, whichever is greater, which is allowed to
22 reimburse the retailer for expenses incurred in collecting the
23 tax, keeping records, preparing and filing returns, remitting
24 the tax and supplying data to the Department on request. In the
25 case of retailers who report and pay the tax on a transaction

1 by transaction basis, as provided in this Section, such
2 discount shall be taken with each such tax remittance instead
3 of when such retailer files his periodic return. The Department
4 may disallow the discount for retailers whose certificate of
5 registration is revoked at the time the return is filed, but
6 only if the Department's decision to revoke the certificate of
7 registration has become final. A retailer need not remit that
8 part of any tax collected by him to the extent that he is
9 required to remit and does remit the tax imposed by the
10 Retailers' Occupation Tax Act, with respect to the sale of the
11 same property.

12 Where such tangible personal property is sold under a
13 conditional sales contract, or under any other form of sale
14 wherein the payment of the principal sum, or a part thereof, is
15 extended beyond the close of the period for which the return is
16 filed, the retailer, in collecting the tax (except as to motor
17 vehicles, watercraft, aircraft, and trailers that are required
18 to be registered with an agency of this State), may collect for
19 each tax return period, only the tax applicable to that part of
20 the selling price actually received during such tax return
21 period.

22 Except as provided in this Section, on or before the
23 twentieth day of each calendar month, such retailer shall file
24 a return for the preceding calendar month. Such return shall be
25 filed on forms prescribed by the Department and shall furnish
26 such information as the Department may reasonably require.

1 The Department may require returns to be filed on a
2 quarterly basis. If so required, a return for each calendar
3 quarter shall be filed on or before the twentieth day of the
4 calendar month following the end of such calendar quarter. The
5 taxpayer shall also file a return with the Department for each
6 of the first two months of each calendar quarter, on or before
7 the twentieth day of the following calendar month, stating:

8 1. The name of the seller;

9 2. The address of the principal place of business from
10 which he engages in the business of selling tangible
11 personal property at retail in this State;

12 3. The total amount of taxable receipts received by him
13 during the preceding calendar month from sales of tangible
14 personal property by him during such preceding calendar
15 month, including receipts from charge and time sales, but
16 less all deductions allowed by law;

17 4. The amount of credit provided in Section 2d of this
18 Act;

19 5. The amount of tax due;

20 5-5. The signature of the taxpayer; and

21 6. Such other reasonable information as the Department
22 may require.

23 If a taxpayer fails to sign a return within 30 days after
24 the proper notice and demand for signature by the Department,
25 the return shall be considered valid and any amount shown to be
26 due on the return shall be deemed assessed.

1 Beginning October 1, 1993, a taxpayer who has an average
2 monthly tax liability of \$150,000 or more shall make all
3 payments required by rules of the Department by electronic
4 funds transfer. Beginning October 1, 1994, a taxpayer who has
5 an average monthly tax liability of \$100,000 or more shall make
6 all payments required by rules of the Department by electronic
7 funds transfer. Beginning October 1, 1995, a taxpayer who has
8 an average monthly tax liability of \$50,000 or more shall make
9 all payments required by rules of the Department by electronic
10 funds transfer. Beginning October 1, 2000, a taxpayer who has
11 an annual tax liability of \$200,000 or more shall make all
12 payments required by rules of the Department by electronic
13 funds transfer. The term "annual tax liability" shall be the
14 sum of the taxpayer's liabilities under this Act, and under all
15 other State and local occupation and use tax laws administered
16 by the Department, for the immediately preceding calendar year.
17 The term "average monthly tax liability" means the sum of the
18 taxpayer's liabilities under this Act, and under all other
19 State and local occupation and use tax laws administered by the
20 Department, for the immediately preceding calendar year
21 divided by 12. Beginning on October 1, 2002, a taxpayer who has
22 a tax liability in the amount set forth in subsection (b) of
23 Section 2505-210 of the Department of Revenue Law shall make
24 all payments required by rules of the Department by electronic
25 funds transfer.

26 Before August 1 of each year beginning in 1993, the

1 Department shall notify all taxpayers required to make payments
2 by electronic funds transfer. All taxpayers required to make
3 payments by electronic funds transfer shall make those payments
4 for a minimum of one year beginning on October 1.

5 Any taxpayer not required to make payments by electronic
6 funds transfer may make payments by electronic funds transfer
7 with the permission of the Department.

8 All taxpayers required to make payment by electronic funds
9 transfer and any taxpayers authorized to voluntarily make
10 payments by electronic funds transfer shall make those payments
11 in the manner authorized by the Department.

12 The Department shall adopt such rules as are necessary to
13 effectuate a program of electronic funds transfer and the
14 requirements of this Section.

15 Before October 1, 2000, if the taxpayer's average monthly
16 tax liability to the Department under this Act, the Retailers'
17 Occupation Tax Act, the Service Occupation Tax Act, the Service
18 Use Tax Act was \$10,000 or more during the preceding 4 complete
19 calendar quarters, he shall file a return with the Department
20 each month by the 20th day of the month next following the
21 month during which such tax liability is incurred and shall
22 make payments to the Department on or before the 7th, 15th,
23 22nd and last day of the month during which such liability is
24 incurred. On and after October 1, 2000, if the taxpayer's
25 average monthly tax liability to the Department under this Act,
26 the Retailers' Occupation Tax Act, the Service Occupation Tax

1 Act, and the Service Use Tax Act was \$20,000 or more during the
2 preceding 4 complete calendar quarters, he shall file a return
3 with the Department each month by the 20th day of the month
4 next following the month during which such tax liability is
5 incurred and shall make payment to the Department on or before
6 the 7th, 15th, 22nd and last day of the month during which such
7 liability is incurred. If the month during which such tax
8 liability is incurred began prior to January 1, 1985, each
9 payment shall be in an amount equal to 1/4 of the taxpayer's
10 actual liability for the month or an amount set by the
11 Department not to exceed 1/4 of the average monthly liability
12 of the taxpayer to the Department for the preceding 4 complete
13 calendar quarters (excluding the month of highest liability and
14 the month of lowest liability in such 4 quarter period). If the
15 month during which such tax liability is incurred begins on or
16 after January 1, 1985, and prior to January 1, 1987, each
17 payment shall be in an amount equal to 22.5% of the taxpayer's
18 actual liability for the month or 27.5% of the taxpayer's
19 liability for the same calendar month of the preceding year. If
20 the month during which such tax liability is incurred begins on
21 or after January 1, 1987, and prior to January 1, 1988, each
22 payment shall be in an amount equal to 22.5% of the taxpayer's
23 actual liability for the month or 26.25% of the taxpayer's
24 liability for the same calendar month of the preceding year. If
25 the month during which such tax liability is incurred begins on
26 or after January 1, 1988, and prior to January 1, 1989, or

1 begins on or after January 1, 1996, each payment shall be in an
2 amount equal to 22.5% of the taxpayer's actual liability for
3 the month or 25% of the taxpayer's liability for the same
4 calendar month of the preceding year. If the month during which
5 such tax liability is incurred begins on or after January 1,
6 1989, and prior to January 1, 1996, each payment shall be in an
7 amount equal to 22.5% of the taxpayer's actual liability for
8 the month or 25% of the taxpayer's liability for the same
9 calendar month of the preceding year or 100% of the taxpayer's
10 actual liability for the quarter monthly reporting period. The
11 amount of such quarter monthly payments shall be credited
12 against the final tax liability of the taxpayer's return for
13 that month. Before October 1, 2000, once applicable, the
14 requirement of the making of quarter monthly payments to the
15 Department shall continue until such taxpayer's average
16 monthly liability to the Department during the preceding 4
17 complete calendar quarters (excluding the month of highest
18 liability and the month of lowest liability) is less than
19 \$9,000, or until such taxpayer's average monthly liability to
20 the Department as computed for each calendar quarter of the 4
21 preceding complete calendar quarter period is less than
22 \$10,000. However, if a taxpayer can show the Department that a
23 substantial change in the taxpayer's business has occurred
24 which causes the taxpayer to anticipate that his average
25 monthly tax liability for the reasonably foreseeable future
26 will fall below the \$10,000 threshold stated above, then such

1 taxpayer may petition the Department for change in such
2 taxpayer's reporting status. On and after October 1, 2000, once
3 applicable, the requirement of the making of quarter monthly
4 payments to the Department shall continue until such taxpayer's
5 average monthly liability to the Department during the
6 preceding 4 complete calendar quarters (excluding the month of
7 highest liability and the month of lowest liability) is less
8 than \$19,000 or until such taxpayer's average monthly liability
9 to the Department as computed for each calendar quarter of the
10 4 preceding complete calendar quarter period is less than
11 \$20,000. However, if a taxpayer can show the Department that a
12 substantial change in the taxpayer's business has occurred
13 which causes the taxpayer to anticipate that his average
14 monthly tax liability for the reasonably foreseeable future
15 will fall below the \$20,000 threshold stated above, then such
16 taxpayer may petition the Department for a change in such
17 taxpayer's reporting status. The Department shall change such
18 taxpayer's reporting status unless it finds that such change is
19 seasonal in nature and not likely to be long term. If any such
20 quarter monthly payment is not paid at the time or in the
21 amount required by this Section, then the taxpayer shall be
22 liable for penalties and interest on the difference between the
23 minimum amount due and the amount of such quarter monthly
24 payment actually and timely paid, except insofar as the
25 taxpayer has previously made payments for that month to the
26 Department in excess of the minimum payments previously due as

1 provided in this Section. The Department shall make reasonable
2 rules and regulations to govern the quarter monthly payment
3 amount and quarter monthly payment dates for taxpayers who file
4 on other than a calendar monthly basis.

5 If any such payment provided for in this Section exceeds
6 the taxpayer's liabilities under this Act, the Retailers'
7 Occupation Tax Act, the Service Occupation Tax Act and the
8 Service Use Tax Act, as shown by an original monthly return,
9 the Department shall issue to the taxpayer a credit memorandum
10 no later than 30 days after the date of payment, which
11 memorandum may be submitted by the taxpayer to the Department
12 in payment of tax liability subsequently to be remitted by the
13 taxpayer to the Department or be assigned by the taxpayer to a
14 similar taxpayer under this Act, the Retailers' Occupation Tax
15 Act, the Service Occupation Tax Act or the Service Use Tax Act,
16 in accordance with reasonable rules and regulations to be
17 prescribed by the Department, except that if such excess
18 payment is shown on an original monthly return and is made
19 after December 31, 1986, no credit memorandum shall be issued,
20 unless requested by the taxpayer. If no such request is made,
21 the taxpayer may credit such excess payment against tax
22 liability subsequently to be remitted by the taxpayer to the
23 Department under this Act, the Retailers' Occupation Tax Act,
24 the Service Occupation Tax Act or the Service Use Tax Act, in
25 accordance with reasonable rules and regulations prescribed by
26 the Department. If the Department subsequently determines that

1 all or any part of the credit taken was not actually due to the
2 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
3 be reduced by 2.1% or 1.75% of the difference between the
4 credit taken and that actually due, and the taxpayer shall be
5 liable for penalties and interest on such difference.

6 If the retailer is otherwise required to file a monthly
7 return and if the retailer's average monthly tax liability to
8 the Department does not exceed \$200, the Department may
9 authorize his returns to be filed on a quarter annual basis,
10 with the return for January, February, and March of a given
11 year being due by April 20 of such year; with the return for
12 April, May and June of a given year being due by July 20 of such
13 year; with the return for July, August and September of a given
14 year being due by October 20 of such year, and with the return
15 for October, November and December of a given year being due by
16 January 20 of the following year.

17 If the retailer is otherwise required to file a monthly or
18 quarterly return and if the retailer's average monthly tax
19 liability to the Department does not exceed \$50, the Department
20 may authorize his returns to be filed on an annual basis, with
21 the return for a given year being due by January 20 of the
22 following year.

23 Such quarter annual and annual returns, as to form and
24 substance, shall be subject to the same requirements as monthly
25 returns.

26 Notwithstanding any other provision in this Act concerning

1 the time within which a retailer may file his return, in the
2 case of any retailer who ceases to engage in a kind of business
3 which makes him responsible for filing returns under this Act,
4 such retailer shall file a final return under this Act with the
5 Department not more than one month after discontinuing such
6 business.

7 In addition, with respect to motor vehicles, watercraft,
8 aircraft, and trailers that are required to be registered with
9 an agency of this State, every retailer selling this kind of
10 tangible personal property shall file, with the Department,
11 upon a form to be prescribed and supplied by the Department, a
12 separate return for each such item of tangible personal
13 property which the retailer sells, except that if, in the same
14 transaction, (i) a retailer of aircraft, watercraft, motor
15 vehicles or trailers transfers more than one aircraft,
16 watercraft, motor vehicle or trailer to another aircraft,
17 watercraft, motor vehicle or trailer retailer for the purpose
18 of resale or (ii) a retailer of aircraft, watercraft, motor
19 vehicles, or trailers transfers more than one aircraft,
20 watercraft, motor vehicle, or trailer to a purchaser for use as
21 a qualifying rolling stock as provided in Section 3-55 of this
22 Act, then that seller may report the transfer of all the
23 aircraft, watercraft, motor vehicles or trailers involved in
24 that transaction to the Department on the same uniform
25 invoice-transaction reporting return form. For purposes of
26 this Section, "watercraft" means a Class 2, Class 3, or Class 4

1 watercraft as defined in Section 3-2 of the Boat Registration
2 and Safety Act, a personal watercraft, or any boat equipped
3 with an inboard motor.

4 The transaction reporting return in the case of motor
5 vehicles or trailers that are required to be registered with an
6 agency of this State, shall be the same document as the Uniform
7 Invoice referred to in Section 5-402 of the Illinois Vehicle
8 Code and must show the name and address of the seller; the name
9 and address of the purchaser; the amount of the selling price
10 including the amount allowed by the retailer for traded-in
11 property, if any; the amount allowed by the retailer for the
12 traded-in tangible personal property, if any, to the extent to
13 which Section 2 of this Act allows an exemption for the value
14 of traded-in property; the balance payable after deducting such
15 trade-in allowance from the total selling price; the amount of
16 tax due from the retailer with respect to such transaction; the
17 amount of tax collected from the purchaser by the retailer on
18 such transaction (or satisfactory evidence that such tax is not
19 due in that particular instance, if that is claimed to be the
20 fact); the place and date of the sale; a sufficient
21 identification of the property sold; such other information as
22 is required in Section 5-402 of the Illinois Vehicle Code, and
23 such other information as the Department may reasonably
24 require.

25 The transaction reporting return in the case of watercraft
26 and aircraft must show the name and address of the seller; the

1 name and address of the purchaser; the amount of the selling
2 price including the amount allowed by the retailer for
3 traded-in property, if any; the amount allowed by the retailer
4 for the traded-in tangible personal property, if any, to the
5 extent to which Section 2 of this Act allows an exemption for
6 the value of traded-in property; the balance payable after
7 deducting such trade-in allowance from the total selling price;
8 the amount of tax due from the retailer with respect to such
9 transaction; the amount of tax collected from the purchaser by
10 the retailer on such transaction (or satisfactory evidence that
11 such tax is not due in that particular instance, if that is
12 claimed to be the fact); the place and date of the sale, a
13 sufficient identification of the property sold, and such other
14 information as the Department may reasonably require.

15 Such transaction reporting return shall be filed not later
16 than 20 days after the date of delivery of the item that is
17 being sold, but may be filed by the retailer at any time sooner
18 than that if he chooses to do so. The transaction reporting
19 return and tax remittance or proof of exemption from the tax
20 that is imposed by this Act may be transmitted to the
21 Department by way of the State agency with which, or State
22 officer with whom, the tangible personal property must be
23 titled or registered (if titling or registration is required)
24 if the Department and such agency or State officer determine
25 that this procedure will expedite the processing of
26 applications for title or registration.

1 With each such transaction reporting return, the retailer
2 shall remit the proper amount of tax due (or shall submit
3 satisfactory evidence that the sale is not taxable if that is
4 the case), to the Department or its agents, whereupon the
5 Department shall issue, in the purchaser's name, a tax receipt
6 (or a certificate of exemption if the Department is satisfied
7 that the particular sale is tax exempt) which such purchaser
8 may submit to the agency with which, or State officer with
9 whom, he must title or register the tangible personal property
10 that is involved (if titling or registration is required) in
11 support of such purchaser's application for an Illinois
12 certificate or other evidence of title or registration to such
13 tangible personal property.

14 No retailer's failure or refusal to remit tax under this
15 Act precludes a user, who has paid the proper tax to the
16 retailer, from obtaining his certificate of title or other
17 evidence of title or registration (if titling or registration
18 is required) upon satisfying the Department that such user has
19 paid the proper tax (if tax is due) to the retailer. The
20 Department shall adopt appropriate rules to carry out the
21 mandate of this paragraph.

22 If the user who would otherwise pay tax to the retailer
23 wants the transaction reporting return filed and the payment of
24 tax or proof of exemption made to the Department before the
25 retailer is willing to take these actions and such user has not
26 paid the tax to the retailer, such user may certify to the fact

1 of such delay by the retailer, and may (upon the Department
2 being satisfied of the truth of such certification) transmit
3 the information required by the transaction reporting return
4 and the remittance for tax or proof of exemption directly to
5 the Department and obtain his tax receipt or exemption
6 determination, in which event the transaction reporting return
7 and tax remittance (if a tax payment was required) shall be
8 credited by the Department to the proper retailer's account
9 with the Department, but without the 2.1% or 1.75% discount
10 provided for in this Section being allowed. When the user pays
11 the tax directly to the Department, he shall pay the tax in the
12 same amount and in the same form in which it would be remitted
13 if the tax had been remitted to the Department by the retailer.

14 Where a retailer collects the tax with respect to the
15 selling price of tangible personal property which he sells and
16 the purchaser thereafter returns such tangible personal
17 property and the retailer refunds the selling price thereof to
18 the purchaser, such retailer shall also refund, to the
19 purchaser, the tax so collected from the purchaser. When filing
20 his return for the period in which he refunds such tax to the
21 purchaser, the retailer may deduct the amount of the tax so
22 refunded by him to the purchaser from any other use tax which
23 such retailer may be required to pay or remit to the
24 Department, as shown by such return, if the amount of the tax
25 to be deducted was previously remitted to the Department by
26 such retailer. If the retailer has not previously remitted the

1 amount of such tax to the Department, he is entitled to no
2 deduction under this Act upon refunding such tax to the
3 purchaser.

4 Any retailer filing a return under this Section shall also
5 include (for the purpose of paying tax thereon) the total tax
6 covered by such return upon the selling price of tangible
7 personal property purchased by him at retail from a retailer,
8 but as to which the tax imposed by this Act was not collected
9 from the retailer filing such return, and such retailer shall
10 remit the amount of such tax to the Department when filing such
11 return.

12 If experience indicates such action to be practicable, the
13 Department may prescribe and furnish a combination or joint
14 return which will enable retailers, who are required to file
15 returns hereunder and also under the Retailers' Occupation Tax
16 Act, to furnish all the return information required by both
17 Acts on the one form.

18 Where the retailer has more than one business registered
19 with the Department under separate registration under this Act,
20 such retailer may not file each return that is due as a single
21 return covering all such registered businesses, but shall file
22 separate returns for each such registered business.

23 Beginning January 1, 1990, each month the Department shall
24 pay into the State and Local Sales Tax Reform Fund, a special
25 fund in the State Treasury which is hereby created, the net
26 revenue realized for the preceding month from the 1% tax on

1 sales of food for human consumption which is to be consumed off
2 the premises where it is sold (other than alcoholic beverages,
3 soft drinks and food which has been prepared for immediate
4 consumption) and prescription and nonprescription medicines,
5 drugs, medical appliances and insulin, urine testing
6 materials, syringes and needles used by diabetics.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the County and Mass Transit District Fund 4% of the
9 net revenue realized for the preceding month from the 6.25%
10 general rate on the selling price of tangible personal property
11 which is purchased outside Illinois at retail from a retailer
12 and which is titled or registered by an agency of this State's
13 government.

14 Beginning January 1, 1990, each month the Department shall
15 pay into the State and Local Sales Tax Reform Fund, a special
16 fund in the State Treasury, 20% of the net revenue realized for
17 the preceding month from the 6.25% general rate on the selling
18 price of tangible personal property, other than tangible
19 personal property which is purchased outside Illinois at retail
20 from a retailer and which is titled or registered by an agency
21 of this State's government.

22 Beginning August 1, 2000, each month the Department shall
23 pay into the State and Local Sales Tax Reform Fund 100% of the
24 net revenue realized for the preceding month from the 1.25%
25 rate on the selling price of motor fuel and gasohol. Beginning
26 September 1, 2010, each month the Department shall pay into the

1 State and Local Sales Tax Reform Fund 100% of the net revenue
2 realized for the preceding month from the 1.25% rate on the
3 selling price of sales tax holiday items.

4 Beginning January 1, 1990, each month the Department shall
5 pay into the Local Government Tax Fund 16% of the net revenue
6 realized for the preceding month from the 6.25% general rate on
7 the selling price of tangible personal property which is
8 purchased outside Illinois at retail from a retailer and which
9 is titled or registered by an agency of this State's
10 government.

11 Beginning October 1, 2009, each month the Department shall
12 pay into the Capital Projects Fund an amount that is equal to
13 an amount estimated by the Department to represent 80% of the
14 net revenue realized for the preceding month from the sale of
15 candy, grooming and hygiene products, and soft drinks that had
16 been taxed at a rate of 1% prior to September 1, 2009 but that
17 are ~~is~~ now taxed at 6.25%.

18 Beginning July 1, 2011, each month the Department shall pay
19 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
20 realized for the preceding month from the 6.25% general rate on
21 the selling price of sorbents used in Illinois in the process
22 of sorbent injection as used to comply with the Environmental
23 Protection Act or the federal Clean Air Act, but the total
24 payment into the Clean Air Act (CAA) Permit Fund under this Act
25 and the Retailers' Occupation Tax Act shall not exceed
26 \$2,000,000 in any fiscal year.

1 Beginning July 1, 2013, each month the Department shall pay
2 into the Underground Storage Tank Fund from the proceeds
3 collected under this Act, the Service Use Tax Act, the Service
4 Occupation Tax Act, and the Retailers' Occupation Tax Act an
5 amount equal to the average monthly deficit in the Underground
6 Storage Tank Fund during the prior year, as certified annually
7 by the Illinois Environmental Protection Agency, but the total
8 payment into the Underground Storage Tank Fund under this Act,
9 the Service Use Tax Act, the Service Occupation Tax Act, and
10 the Retailers' Occupation Tax Act shall not exceed \$18,000,000
11 in any State fiscal year. As used in this paragraph, the
12 "average monthly deficit" shall be equal to the difference
13 between the average monthly claims for payment by the fund and
14 the average monthly revenues deposited into the fund, excluding
15 payments made pursuant to this paragraph.

16 Of the remainder of the moneys received by the Department
17 pursuant to this Act, (a) 1.75% thereof shall be paid into the
18 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
19 and after July 1, 1989, 3.8% thereof shall be paid into the
20 Build Illinois Fund; provided, however, that if in any fiscal
21 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
22 may be, of the moneys received by the Department and required
23 to be paid into the Build Illinois Fund pursuant to Section 3
24 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
25 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
26 Service Occupation Tax Act, such Acts being hereinafter called

1 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
2 may be, of moneys being hereinafter called the "Tax Act
3 Amount", and (2) the amount transferred to the Build Illinois
4 Fund from the State and Local Sales Tax Reform Fund shall be
5 less than the Annual Specified Amount (as defined in Section 3
6 of the Retailers' Occupation Tax Act), an amount equal to the
7 difference shall be immediately paid into the Build Illinois
8 Fund from other moneys received by the Department pursuant to
9 the Tax Acts; and further provided, that if on the last
10 business day of any month the sum of (1) the Tax Act Amount
11 required to be deposited into the Build Illinois Bond Account
12 in the Build Illinois Fund during such month and (2) the amount
13 transferred during such month to the Build Illinois Fund from
14 the State and Local Sales Tax Reform Fund shall have been less
15 than 1/12 of the Annual Specified Amount, an amount equal to
16 the difference shall be immediately paid into the Build
17 Illinois Fund from other moneys received by the Department
18 pursuant to the Tax Acts; and, further provided, that in no
19 event shall the payments required under the preceding proviso
20 result in aggregate payments into the Build Illinois Fund
21 pursuant to this clause (b) for any fiscal year in excess of
22 the greater of (i) the Tax Act Amount or (ii) the Annual
23 Specified Amount for such fiscal year; and, further provided,
24 that the amounts payable into the Build Illinois Fund under
25 this clause (b) shall be payable only until such time as the
26 aggregate amount on deposit under each trust indenture securing

1 Bonds issued and outstanding pursuant to the Build Illinois
2 Bond Act is sufficient, taking into account any future
3 investment income, to fully provide, in accordance with such
4 indenture, for the defeasance of or the payment of the
5 principal of, premium, if any, and interest on the Bonds
6 secured by such indenture and on any Bonds expected to be
7 issued thereafter and all fees and costs payable with respect
8 thereto, all as certified by the Director of the Bureau of the
9 Budget (now Governor's Office of Management and Budget). If on
10 the last business day of any month in which Bonds are
11 outstanding pursuant to the Build Illinois Bond Act, the
12 aggregate of the moneys deposited in the Build Illinois Bond
13 Account in the Build Illinois Fund in such month shall be less
14 than the amount required to be transferred in such month from
15 the Build Illinois Bond Account to the Build Illinois Bond
16 Retirement and Interest Fund pursuant to Section 13 of the
17 Build Illinois Bond Act, an amount equal to such deficiency
18 shall be immediately paid from other moneys received by the
19 Department pursuant to the Tax Acts to the Build Illinois Fund;
20 provided, however, that any amounts paid to the Build Illinois
21 Fund in any fiscal year pursuant to this sentence shall be
22 deemed to constitute payments pursuant to clause (b) of the
23 preceding sentence and shall reduce the amount otherwise
24 payable for such fiscal year pursuant to clause (b) of the
25 preceding sentence. The moneys received by the Department
26 pursuant to this Act and required to be deposited into the

1 Build Illinois Fund are subject to the pledge, claim and charge
2 set forth in Section 12 of the Build Illinois Bond Act.

3 Subject to payment of amounts into the Build Illinois Fund
4 as provided in the preceding paragraph or in any amendment
5 thereto hereafter enacted, the following specified monthly
6 installment of the amount requested in the certificate of the
7 Chairman of the Metropolitan Pier and Exposition Authority
8 provided under Section 8.25f of the State Finance Act, but not
9 in excess of the sums designated as "Total Deposit", shall be
10 deposited in the aggregate from collections under Section 9 of
11 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
12 9 of the Service Occupation Tax Act, and Section 3 of the
13 Retailers' Occupation Tax Act into the McCormick Place
14 Expansion Project Fund in the specified fiscal years.

15	Fiscal Year	Total Deposit
16	1993	\$0
17	1994	53,000,000
18	1995	58,000,000
19	1996	61,000,000
20	1997	64,000,000
21	1998	68,000,000
22	1999	71,000,000
23	2000	75,000,000
24	2001	80,000,000
25	2002	93,000,000
26	2003	99,000,000

1	2004	103,000,000
2	2005	108,000,000
3	2006	113,000,000
4	2007	119,000,000
5	2008	126,000,000
6	2009	132,000,000
7	2010	139,000,000
8	2011	146,000,000
9	2012	153,000,000
10	2013	161,000,000
11	2014	170,000,000
12	2015	179,000,000
13	2016	189,000,000
14	2017	199,000,000
15	2018	210,000,000
16	2019	221,000,000
17	2020	233,000,000
18	2021	246,000,000
19	2022	260,000,000
20	2023	275,000,000
21	2024	275,000,000
22	2025	275,000,000
23	2026	279,000,000
24	2027	292,000,000
25	2028	307,000,000
26	2029	322,000,000

1	2030	338,000,000
2	2031	350,000,000
3	2032	350,000,000

4 and

5 each fiscal year

6 thereafter that bonds

7 are outstanding under

8 Section 13.2 of the

9 Metropolitan Pier and

10 Exposition Authority Act,

11 but not after fiscal year 2060.

12 Beginning July 20, 1993 and in each month of each fiscal
13 year thereafter, one-eighth of the amount requested in the
14 certificate of the Chairman of the Metropolitan Pier and
15 Exposition Authority for that fiscal year, less the amount
16 deposited into the McCormick Place Expansion Project Fund by
17 the State Treasurer in the respective month under subsection
18 (g) of Section 13 of the Metropolitan Pier and Exposition
19 Authority Act, plus cumulative deficiencies in the deposits
20 required under this Section for previous months and years,
21 shall be deposited into the McCormick Place Expansion Project
22 Fund, until the full amount requested for the fiscal year, but
23 not in excess of the amount specified above as "Total Deposit",
24 has been deposited.

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 Tax
4 Increment Fund 0.27% of 80% of the net revenue realized for the
5 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 25-year
12 period, the Department shall each month pay into the Energy
13 Infrastructure Fund 80% of the net revenue realized from the
14 6.25% general rate on the selling price of Illinois-mined coal
15 that was sold to an eligible business. For purposes of this
16 paragraph, the term "eligible business" means a new electric
17 generating facility certified pursuant to Section 605-332 of
18 the Department of Commerce and Economic Opportunity Law of the
19 Civil Administrative Code of Illinois.

20 Of the remainder of the moneys received by the Department
21 pursuant to this Act, 75% thereof shall be paid into the State
22 Treasury and 25% shall be reserved in a special account and
23 used only for the transfer to the Common School Fund as part of
24 the monthly transfer from the General Revenue Fund in
25 accordance with Section 8a of the State Finance Act.

26 As soon as possible after the first day of each month, upon

1 certification of the Department of Revenue, the Comptroller
2 shall order transferred and the Treasurer shall transfer from
3 the General Revenue Fund to the Motor Fuel Tax Fund an amount
4 equal to 1.7% of 80% of the net revenue realized under this Act
5 for the second preceding month. Beginning April 1, 2000, this
6 transfer is no longer required and shall not be made.

7 Net revenue realized for a month shall be the revenue
8 collected by the State pursuant to this Act, less the amount
9 paid out during that month as refunds to taxpayers for
10 overpayment of liability.

11 For greater simplicity of administration, manufacturers,
12 importers and wholesalers whose products are sold at retail in
13 Illinois by numerous retailers, and who wish to do so, may
14 assume the responsibility for accounting and paying to the
15 Department all tax accruing under this Act with respect to such
16 sales, if the retailers who are affected do not make written
17 objection to the Department to this arrangement.

18 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,
19 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;
20 revised 9-9-13.)

21 Section 180. The Service Use Tax Act is amended by changing
22 Sections 3-5, 3-10, and 9 as follows:

23 (35 ILCS 110/3-5)

24 Sec. 3-5. Exemptions. Use of the following tangible

1 personal property is exempt from the tax imposed by this Act:

2 (1) Personal property purchased from a corporation,
3 society, association, foundation, institution, or
4 organization, other than a limited liability company, that is
5 organized and operated as a not-for-profit service enterprise
6 for the benefit of persons 65 years of age or older if the
7 personal property was not purchased by the enterprise for the
8 purpose of resale by the enterprise.

9 (2) Personal property purchased by a non-profit Illinois
10 county fair association for use in conducting, operating, or
11 promoting the county fair.

12 (3) Personal property purchased by a not-for-profit arts or
13 cultural organization that establishes, by proof required by
14 the Department by rule, that it has received an exemption under
15 Section 501(c)(3) of the Internal Revenue Code and that is
16 organized and operated primarily for the presentation or
17 support of arts or cultural programming, activities, or
18 services. These organizations include, but are not limited to,
19 music and dramatic arts organizations such as symphony
20 orchestras and theatrical groups, arts and cultural service
21 organizations, local arts councils, visual arts organizations,
22 and media arts organizations. On and after the effective date
23 of this amendatory Act of the 92nd General Assembly, however,
24 an entity otherwise eligible for this exemption shall not make
25 tax-free purchases unless it has an active identification
26 number issued by the Department.

1 (4) 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 (5) Until July 1, 2003 and beginning again on September 1,
6 2004 through August 30, 2014, graphic arts machinery and
7 equipment, including repair and replacement parts, both new and
8 used, and including that manufactured on special order or
9 purchased for lease, certified by the purchaser to be used
10 primarily for graphic arts production. Equipment includes
11 chemicals or chemicals acting as catalysts but only if the
12 chemicals or chemicals acting as catalysts effect a direct and
13 immediate change upon a graphic arts product.

14 (6) Personal property purchased from a teacher-sponsored
15 student organization affiliated with an elementary or
16 secondary school located in Illinois.

17 (7) Farm machinery and equipment, both new and used,
18 including that manufactured on special order, certified by the
19 purchaser to be used primarily for production agriculture or
20 State or federal agricultural programs, including individual
21 replacement parts for the machinery and equipment, including
22 machinery and equipment purchased for lease, and including
23 implements of husbandry defined in Section 1-130 of the
24 Illinois Vehicle Code, farm machinery and agricultural
25 chemical and fertilizer spreaders, and nurse wagons required to
26 be registered under Section 3-809 of the Illinois Vehicle Code,

1 but excluding other motor vehicles required to be registered
2 under the Illinois Vehicle Code. Horticultural polyhouses or
3 hoop houses used for propagating, growing, or overwintering
4 plants shall be considered farm machinery and equipment under
5 this item (7). Agricultural chemical tender tanks and dry boxes
6 shall include units sold separately from a motor vehicle
7 required to be licensed and units sold mounted on a motor
8 vehicle required to be licensed if the selling price of the
9 tender is separately stated.

10 Farm machinery and equipment shall include precision
11 farming equipment that is installed or purchased to be
12 installed on farm machinery and equipment including, but not
13 limited to, tractors, harvesters, sprayers, planters, seeders,
14 or spreaders. Precision farming equipment includes, but is not
15 limited to, soil testing sensors, computers, monitors,
16 software, global positioning and mapping systems, and other
17 such equipment.

18 Farm machinery and equipment also includes computers,
19 sensors, software, and related equipment used primarily in the
20 computer-assisted operation of production agriculture
21 facilities, equipment, and activities such as, but not limited
22 to, the collection, monitoring, and correlation of animal and
23 crop data for the purpose of formulating animal diets and
24 agricultural chemicals. This item (7) is exempt from the
25 provisions of Section 3-75.

26 (8) Until June 30, 2013, fuel and petroleum products sold

1 to or used by an air common carrier, certified by the carrier
2 to be used for consumption, shipment, or storage in the conduct
3 of its business as an air common carrier, for a flight destined
4 for or returning from a location or locations outside the
5 United States without regard to previous or subsequent domestic
6 stopovers.

7 Beginning July 1, 2013, fuel and petroleum products sold to
8 or used by an air carrier, certified by the carrier to be used
9 for consumption, shipment, or storage in the conduct of its
10 business as an air common carrier, for a flight that (i) is
11 engaged in foreign trade or is engaged in trade between the
12 United States and any of its possessions and (ii) transports at
13 least one individual or package for hire from the city of
14 origination to the city of final destination on the same
15 aircraft, without regard to a change in the flight number of
16 that aircraft.

17 (9) Proceeds of mandatory service charges separately
18 stated on customers' bills for the purchase and consumption of
19 food and beverages acquired as an incident to the purchase of a
20 service from a serviceman, to the extent that the proceeds of
21 the service charge are in fact turned over as tips or as a
22 substitute for tips to the employees who participate directly
23 in preparing, serving, hosting or cleaning up the food or
24 beverage function with respect to which the service charge is
25 imposed.

26 (10) Until July 1, 2003, oil field exploration, drilling,

1 and production equipment, including (i) rigs and parts of rigs,
2 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
3 tubular goods, including casing and drill strings, (iii) pumps
4 and pump-jack units, (iv) storage tanks and flow lines, (v) any
5 individual replacement part for oil field exploration,
6 drilling, and production equipment, and (vi) machinery and
7 equipment purchased for lease; but excluding motor vehicles
8 required to be registered under the Illinois Vehicle Code.

9 (11) Proceeds from the sale of photoprocessing machinery
10 and equipment, including repair and replacement parts, both new
11 and used, including that manufactured on special order,
12 certified by the purchaser to be used primarily for
13 photoprocessing, and including photoprocessing machinery and
14 equipment purchased for lease.

15 (12) Coal and aggregate exploration, mining, off-highway
16 ~~off-highway~~ hauling, processing, maintenance, and reclamation
17 equipment, including replacement parts and equipment, and
18 including equipment purchased for lease, but excluding motor
19 vehicles required to be registered under the Illinois Vehicle
20 Code. The changes made to this Section by Public Act 97-767
21 apply on and after July 1, 2003, but no claim for credit or
22 refund is allowed on or after August 16, 2013 (the effective
23 date of Public Act 98-456) ~~this amendatory Act of the 98th~~
24 ~~General Assembly~~ for such taxes paid during the period
25 beginning July 1, 2003 and ending on August 16, 2013 (the
26 effective date of Public Act 98-456) ~~this amendatory Act of the~~

1 ~~98th General Assembly.~~

2 (13) Semen used for artificial insemination of livestock
3 for direct agricultural production.

4 (14) Horses, or interests in horses, registered with and
5 meeting the requirements of any of the Arabian Horse Club
6 Registry of America, Appaloosa Horse Club, American Quarter
7 Horse Association, United States Trotting Association, or
8 Jockey Club, as appropriate, used for purposes of breeding or
9 racing for prizes. This item (14) is exempt from the provisions
10 of Section 3-75, and the exemption provided for under this item
11 (14) applies for all periods beginning May 30, 1995, but no
12 claim for credit or refund is allowed on or after the effective
13 date of this amendatory Act of the 95th General Assembly for
14 such taxes paid during the period beginning May 30, 2000 and
15 ending on the effective date of this amendatory Act of the 95th
16 General Assembly.

17 (15) 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 the
25 Retailers' Occupation Tax Act. If the equipment is leased in a
26 manner that does not qualify for this exemption or is used in

1 any other non-exempt manner, the lessor shall be liable for the
2 tax imposed under this Act or the Use Tax Act, as the case may
3 be, based on the fair market value of the property at the time
4 the non-qualifying use occurs. No lessor shall collect or
5 attempt to collect an amount (however designated) that purports
6 to reimburse that lessor for the tax imposed by this Act or the
7 Use Tax Act, as the case may be, if the tax has not been paid by
8 the lessor. If a lessor improperly collects any such amount
9 from the lessee, the lessee shall have a legal right to claim a
10 refund of that amount from the lessor. If, however, that amount
11 is not refunded to the lessee for any reason, the lessor is
12 liable to pay that amount to the Department.

13 (16) Personal property purchased by a lessor who leases the
14 property, under a lease of one year or longer executed or in
15 effect at the time the lessor would otherwise be subject to the
16 tax imposed by this Act, to a governmental body that has been
17 issued an active tax exemption identification number by the
18 Department under Section 1g of the Retailers' Occupation Tax
19 Act. If the property is leased in a manner that does not
20 qualify for this exemption or is used in any other non-exempt
21 manner, the lessor shall be liable for the tax imposed under
22 this Act or the Use Tax Act, as the case may be, based on the
23 fair market value of the property at the time the
24 non-qualifying use occurs. No lessor shall collect or attempt
25 to collect an amount (however designated) that purports to
26 reimburse that lessor for the tax imposed by this Act or the

1 Use Tax Act, as the case may be, if the tax has not been paid by
2 the lessor. If a lessor improperly collects any such amount
3 from the lessee, the lessee shall have a legal right to claim a
4 refund of that amount from the lessor. If, however, that amount
5 is not refunded to the lessee for any reason, the lessor is
6 liable to pay that amount to the Department.

7 (17) Beginning with taxable years ending on or after
8 December 31, 1995 and ending with taxable years ending on or
9 before December 31, 2004, personal property that is donated for
10 disaster relief to be used in a State or federally declared
11 disaster area in Illinois or bordering Illinois by a
12 manufacturer or retailer that is registered in this State to a
13 corporation, society, association, foundation, or institution
14 that has been issued a sales tax exemption identification
15 number by the Department that assists victims of the disaster
16 who reside within the declared disaster area.

17 (18) Beginning with taxable years ending on or after
18 December 31, 1995 and ending with taxable years ending on or
19 before December 31, 2004, personal property that is used in the
20 performance of infrastructure repairs in this State, including
21 but not limited to municipal roads and streets, access roads,
22 bridges, sidewalks, waste disposal systems, water and sewer
23 line extensions, water distribution and purification
24 facilities, storm water drainage and retention facilities, and
25 sewage treatment facilities, resulting from a State or
26 federally declared disaster in Illinois or bordering Illinois

1 when such repairs are initiated on facilities located in the
2 declared disaster area within 6 months after the disaster.

3 (19) Beginning July 1, 1999, game or game birds purchased
4 at a "game breeding and hunting preserve area" as that term is
5 used in the Wildlife Code. This paragraph is exempt from the
6 provisions of Section 3-75.

7 (20) A motor vehicle, as that term is defined in Section
8 1-146 of the Illinois Vehicle Code, that is donated to a
9 corporation, limited liability company, society, association,
10 foundation, or institution that is determined by the Department
11 to be organized and operated exclusively for educational
12 purposes. For purposes of this exemption, "a corporation,
13 limited liability company, society, association, foundation,
14 or institution organized and operated exclusively for
15 educational purposes" means all tax-supported public schools,
16 private schools that offer systematic instruction in useful
17 branches of learning by methods common to public schools and
18 that compare favorably in their scope and intensity with the
19 course of study presented in tax-supported schools, and
20 vocational or technical schools or institutes organized and
21 operated exclusively to provide a course of study of not less
22 than 6 weeks duration and designed to prepare individuals to
23 follow a trade or to pursue a manual, technical, mechanical,
24 industrial, business, or commercial occupation.

25 (21) Beginning January 1, 2000, personal property,
26 including food, purchased through fundraising events for the

1 benefit of a public or private elementary or secondary school,
2 a group of those schools, or one or more school districts if
3 the events are sponsored by an entity recognized by the school
4 district that consists primarily of volunteers and includes
5 parents and teachers of the school children. This paragraph
6 does not apply to fundraising events (i) for the benefit of
7 private home instruction or (ii) for which the fundraising
8 entity purchases the personal property sold at the events from
9 another individual or entity that sold the property for the
10 purpose of resale by the fundraising entity and that profits
11 from the sale to the fundraising entity. This paragraph is
12 exempt from the provisions of Section 3-75.

13 (22) Beginning January 1, 2000 and through December 31,
14 2001, new or used automatic vending machines that prepare and
15 serve hot food and beverages, including coffee, soup, and other
16 items, and replacement parts for these machines. Beginning
17 January 1, 2002 and through June 30, 2003, machines and parts
18 for machines used in commercial, coin-operated amusement and
19 vending business if a use or occupation tax is paid on the
20 gross receipts derived from the use of the commercial,
21 coin-operated amusement and vending machines. This paragraph
22 is exempt from the provisions of Section 3-75.

23 (23) Beginning August 23, 2001 and through June 30, 2016,
24 food for human consumption that is to be consumed off the
25 premises where it is sold (other than alcoholic beverages, soft
26 drinks, and food that has been prepared for immediate

1 consumption) and prescription and nonprescription medicines,
2 drugs, medical appliances, and insulin, urine testing
3 materials, syringes, and needles used by diabetics, for human
4 use, when purchased for use by a person receiving medical
5 assistance under Article V of the Illinois Public Aid Code who
6 resides in a licensed long-term care facility, as defined in
7 the Nursing Home Care Act, or in a licensed facility as defined
8 in the ID/DD Community Care Act or the Specialized Mental
9 Health Rehabilitation Act of 2013.

10 (24) Beginning on the effective date of this amendatory Act
11 of the 92nd General Assembly, computers and communications
12 equipment utilized for any hospital purpose and equipment used
13 in the diagnosis, analysis, or treatment of hospital patients
14 purchased by a lessor who leases the equipment, under a lease
15 of one year or longer executed or in effect at the time the
16 lessor would otherwise be subject to the tax imposed by this
17 Act, to a hospital that has been issued an active tax exemption
18 identification number by the Department under Section 1g of the
19 Retailers' Occupation Tax Act. If the equipment is leased in a
20 manner that does not qualify for this exemption or is used in
21 any other nonexempt manner, the lessor shall be liable for the
22 tax imposed under this Act or the Use Tax Act, as the case may
23 be, based on the fair market value of the property at the time
24 the nonqualifying use occurs. No lessor shall collect or
25 attempt to collect an amount (however designated) that purports
26 to reimburse that lessor for the tax imposed by this Act or the

1 Use Tax Act, as the case may be, if the tax has not been paid by
2 the lessor. If a lessor improperly collects any such amount
3 from the lessee, the lessee shall have a legal right to claim a
4 refund of that amount from the lessor. If, however, that amount
5 is not refunded to the lessee for any reason, the lessor is
6 liable to pay that amount to the Department. This paragraph is
7 exempt from the provisions of Section 3-75.

8 (25) Beginning on the effective date of this amendatory Act
9 of the 92nd General Assembly, personal property purchased by a
10 lessor who leases the property, 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 governmental body that has been issued an active tax exemption
14 identification number by the Department under Section 1g of the
15 Retailers' Occupation Tax Act. If the property is leased in a
16 manner that does not qualify for this exemption or is used in
17 any other nonexempt manner, the lessor shall be liable for the
18 tax imposed under this Act or the Use Tax Act, as the case may
19 be, based on the fair market value of the property at the time
20 the nonqualifying use occurs. No lessor shall collect or
21 attempt to collect an amount (however designated) that purports
22 to reimburse that lessor for the tax imposed by this Act or the
23 Use Tax Act, as the case may be, if the tax has not been paid by
24 the lessor. If a lessor improperly collects any such amount
25 from the lessee, the lessee shall have a legal right to claim a
26 refund of that amount from the lessor. If, however, that amount

1 is not refunded to the lessee for any reason, the lessor is
2 liable to pay that amount to the Department. This paragraph is
3 exempt from the provisions of Section 3-75.

4 (26) Beginning January 1, 2008, tangible personal property
5 used in the construction or maintenance of a community water
6 supply, as defined under Section 3.145 of the Environmental
7 Protection Act, that is operated by a not-for-profit
8 corporation that holds a valid water supply permit issued under
9 Title IV of the Environmental Protection Act. This paragraph is
10 exempt from the provisions of Section 3-75.

11 (27) Beginning January 1, 2010, materials, parts,
12 equipment, components, and furnishings incorporated into or
13 upon an aircraft as part of the modification, refurbishment,
14 completion, replacement, repair, or maintenance of the
15 aircraft. This exemption includes consumable supplies used in
16 the modification, refurbishment, completion, replacement,
17 repair, and maintenance of aircraft, but excludes any
18 materials, parts, equipment, components, and consumable
19 supplies used in the modification, replacement, repair, and
20 maintenance of aircraft engines or power plants, whether such
21 engines or power plants are installed or uninstalled upon any
22 such aircraft. "Consumable supplies" include, but are not
23 limited to, adhesive, tape, sandpaper, general purpose
24 lubricants, cleaning solution, latex gloves, and protective
25 films. This exemption applies only to the use of qualifying
26 tangible personal property transferred incident to the

1 modification, refurbishment, completion, replacement, repair,
2 or maintenance of aircraft by persons who (i) hold an Air
3 Agency Certificate and are empowered to operate an approved
4 repair station by the Federal Aviation Administration, (ii)
5 have a Class IV Rating, and (iii) conduct operations in
6 accordance with Part 145 of the Federal Aviation Regulations.
7 The exemption does not include aircraft operated by a
8 commercial air carrier providing scheduled passenger air
9 service pursuant to authority issued under Part 121 or Part 129
10 of the Federal Aviation Regulations. The changes made to this
11 paragraph (27) by Public Act 98-534 ~~this amendatory Act of the~~
12 ~~98th General Assembly~~ are declarative of existing law.

13 (28) Tangible personal property purchased by a
14 public-facilities corporation, as described in Section
15 11-65-10 of the Illinois Municipal Code, for purposes of
16 constructing or furnishing a municipal convention hall, but
17 only if the legal title to the municipal convention hall is
18 transferred to the municipality without any further
19 consideration by or on behalf of the municipality at the time
20 of the completion of the municipal convention hall or upon the
21 retirement or redemption of any bonds or other debt instruments
22 issued by the public-facilities corporation in connection with
23 the development of the municipal convention hall. This
24 exemption includes existing public-facilities corporations as
25 provided in Section 11-65-25 of the Illinois Municipal Code.
26 This paragraph is exempt from the provisions of Section 3-75.

1 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-431,
2 eff. 8-16-11; 97-636, eff. 6-1-12; 97-767, eff. 7-9-12; 98-104,
3 eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13;
4 98-534, eff. 8-23-13; revised 9-9-13.)

5 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

6 Sec. 3-10. Rate of tax. Unless otherwise provided in this
7 Section, the tax imposed by this Act is at the rate of 6.25% of
8 the selling price of tangible personal property transferred as
9 an incident to the sale of service, but, for the purpose of
10 computing this tax, in no event shall the selling price be less
11 than the cost price of the property to the serviceman.

12 Beginning on July 1, 2000 and through December 31, 2000,
13 with respect to motor fuel, as defined in Section 1.1 of the
14 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
15 the Use Tax Act, the tax is imposed at the rate of 1.25%.

16 With respect to gasohol, as defined in the Use Tax Act, the
17 tax imposed by this Act applies to (i) 70% of the selling price
18 of property transferred as an incident to the sale of service
19 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
20 of the selling price of property transferred as an incident to
21 the sale of service on or after July 1, 2003 and on or before
22 December 31, 2018, and (iii) 100% of the selling price
23 thereafter. If, at any time, however, the tax under this Act on
24 sales of gasohol, as defined in the Use Tax Act, is imposed at
25 the rate of 1.25%, then the tax imposed by this Act applies to

1 100% of the proceeds of sales of gasohol made during that time.

2 With respect to majority blended ethanol fuel, as defined
3 in the Use Tax Act, the tax imposed by this Act does not apply
4 to the selling price of property transferred as an incident to
5 the sale of service on or after July 1, 2003 and on or before
6 December 31, 2018 but applies to 100% of the selling price
7 thereafter.

8 With respect to biodiesel blends, as defined in the Use Tax
9 Act, with no less than 1% and no more than 10% biodiesel, the
10 tax imposed by this Act applies to (i) 80% of the selling price
11 of property transferred as an incident to the sale of service
12 on or after July 1, 2003 and on or before December 31, 2018 and
13 (ii) 100% of the proceeds of the selling price thereafter. If,
14 at any time, however, the tax under this Act on sales of
15 biodiesel blends, as defined in the Use Tax Act, with no less
16 than 1% and no more than 10% biodiesel is imposed at the rate
17 of 1.25%, then the tax imposed by this Act applies to 100% of
18 the proceeds of sales of biodiesel blends with no less than 1%
19 and no more than 10% biodiesel made during that time.

20 With respect to 100% biodiesel, as defined in the Use Tax
21 Act, and biodiesel blends, as defined in the Use Tax Act, with
22 more than 10% but no more than 99% biodiesel, the tax imposed
23 by this Act does not apply to the proceeds of the selling price
24 of property transferred as an incident to the sale of service
25 on or after July 1, 2003 and on or before December 31, 2018 but
26 applies to 100% of the selling price thereafter.

1 At the election of any registered serviceman made for each
2 fiscal year, sales of service in which the aggregate annual
3 cost price of tangible personal property transferred as an
4 incident to the sales of service is less than 35%, or 75% in
5 the case of servicemen transferring prescription drugs or
6 servicemen engaged in graphic arts production, of the aggregate
7 annual total gross receipts from all sales of service, the tax
8 imposed by this Act shall be based on the serviceman's cost
9 price of the tangible personal property transferred as an
10 incident to the sale of those services.

11 The tax shall be imposed at the rate of 1% on food prepared
12 for immediate consumption and transferred incident to a sale of
13 service subject to this Act or the Service Occupation Tax Act
14 by an entity licensed under the Hospital Licensing Act, the
15 Nursing Home Care Act, the ID/DD Community Care Act, the
16 Specialized Mental Health Rehabilitation Act of 2013, or the
17 Child Care Act of 1969. The tax shall also be imposed at the
18 rate of 1% on food for human consumption that is to be consumed
19 off the premises where it is sold (other than alcoholic
20 beverages, soft drinks, and food that has been prepared for
21 immediate consumption and is not otherwise included in this
22 paragraph) and prescription and nonprescription medicines,
23 drugs, medical appliances, modifications to a motor vehicle for
24 the purpose of rendering it usable by a disabled person, and
25 insulin, urine testing materials, syringes, and needles used by
26 diabetics, for human use. 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" do not include beverages that contain milk or milk
16 products, soy, rice or similar milk substitutes, or greater
17 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 other
10 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 C.F.R. § 201.66. The "over-the-counter-drug"
25 label includes:

26 (A) A "Drug Facts" panel; or

1 (B) 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 Pilot Program Act.

10 If the property that is acquired from a serviceman is
11 acquired outside Illinois and used outside Illinois before
12 being brought to Illinois for use here and is taxable under
13 this Act, the "selling price" on which the tax is computed
14 shall be reduced by an amount that represents a reasonable
15 allowance for depreciation for the period of prior out-of-state
16 use.

17 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-636,
18 eff. 6-1-12; 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; revised
19 8-9-13.)

20 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

21 Sec. 9. Each serviceman required or authorized to collect
22 the tax herein imposed shall pay to the Department the amount
23 of such tax (except as otherwise provided) at the time when he
24 is required to file his return for the period during which such
25 tax was collected, less a discount of 2.1% prior to January 1,

1 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
2 year, whichever is greater, which is allowed to reimburse the
3 serviceman for expenses incurred in collecting the tax, keeping
4 records, preparing and filing returns, remitting the tax and
5 supplying data to the Department on request. The Department may
6 disallow the discount for servicemen whose certificate of
7 registration is revoked at the time the return is filed, but
8 only if the Department's decision to revoke the certificate of
9 registration has become final. A serviceman need not remit that
10 part of any tax collected by him to the extent that he is
11 required to pay and does pay the tax imposed by the Service
12 Occupation Tax Act with respect to his sale of service
13 involving the incidental transfer by him of the same property.

14 Except as provided hereinafter in this Section, on or
15 before the twentieth day of each calendar month, such
16 serviceman shall file a return for the preceding calendar month
17 in accordance with reasonable Rules and Regulations to be
18 promulgated by the Department. Such return shall be filed on a
19 form prescribed by the Department and shall contain such
20 information as the Department may reasonably require.

21 The Department may require returns to be filed on a
22 quarterly basis. If so required, a return for each calendar
23 quarter shall be filed on or before the twentieth day of the
24 calendar month following the end of such calendar quarter. The
25 taxpayer shall also file a return with the Department for each
26 of the first two months of each calendar quarter, on or before

1 the twentieth day of the following calendar month, stating:

2 1. The name of the seller;

3 2. The address of the principal place of business from
4 which he engages in business as a serviceman in this State;

5 3. The total amount of taxable receipts received by him
6 during the preceding calendar month, including receipts
7 from charge and time sales, but less all deductions allowed
8 by law;

9 4. The amount of credit provided in Section 2d of this
10 Act;

11 5. The amount of tax due;

12 5-5. The signature of the taxpayer; and

13 6. Such other reasonable information as the Department
14 may require.

15 If a taxpayer fails to sign a return within 30 days after
16 the proper notice and demand for signature by the Department,
17 the return shall be considered valid and any amount shown to be
18 due on the return shall be deemed assessed.

19 Beginning October 1, 1993, a taxpayer who has an average
20 monthly tax liability of \$150,000 or more shall make all
21 payments required by rules of the Department by electronic
22 funds transfer. Beginning October 1, 1994, a taxpayer who has
23 an average monthly tax liability of \$100,000 or more shall make
24 all payments required by rules of the Department by electronic
25 funds transfer. Beginning October 1, 1995, a taxpayer who has
26 an average monthly tax liability of \$50,000 or more shall make

1 all payments required by rules of the Department by electronic
2 funds transfer. Beginning October 1, 2000, a taxpayer who has
3 an annual tax liability of \$200,000 or more shall make all
4 payments required by rules of the Department by electronic
5 funds transfer. The term "annual tax liability" shall be the
6 sum of the taxpayer's liabilities under this Act, and under all
7 other State and local occupation and use tax laws administered
8 by the Department, for the immediately preceding calendar year.
9 The term "average monthly tax liability" means the sum of the
10 taxpayer's liabilities under this Act, and under all other
11 State and local occupation and use tax laws administered by the
12 Department, for the immediately preceding calendar year
13 divided by 12. Beginning on October 1, 2002, a taxpayer who has
14 a tax liability in the amount set forth in subsection (b) of
15 Section 2505-210 of the Department of Revenue Law shall make
16 all payments required by rules of the Department by electronic
17 funds transfer.

18 Before August 1 of each year beginning in 1993, the
19 Department shall notify all taxpayers required to make payments
20 by electronic funds transfer. All taxpayers required to make
21 payments by electronic funds transfer shall make those payments
22 for a minimum of one year beginning on October 1.

23 Any taxpayer not required to make payments by electronic
24 funds transfer may make payments by electronic funds transfer
25 with the permission of the Department.

26 All taxpayers required to make payment by electronic funds

1 transfer and any taxpayers authorized to voluntarily make
2 payments by electronic funds transfer shall make those payments
3 in the manner authorized by the Department.

4 The Department shall adopt such rules as are necessary to
5 effectuate a program of electronic funds transfer and the
6 requirements of this Section.

7 If the serviceman is otherwise required to file a monthly
8 return and if the serviceman'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 year
12 being due by April 20 of such year; with the return for April,
13 May and June of a given year being due by July 20 of such year;
14 with the return for July, August and September of a given year
15 being due by October 20 of such year, and with the return for
16 October, November and December of a given year being due by
17 January 20 of the following year.

18 If the serviceman is otherwise required to file a monthly
19 or quarterly return and if the serviceman's average monthly tax
20 liability to the Department does not exceed \$50, the Department
21 may authorize his returns to be filed on an annual basis, with
22 the return for a given year being due by January 20 of the
23 following year.

24 Such quarter annual and annual returns, as to form and
25 substance, shall be subject to the same requirements as monthly
26 returns.

1 Notwithstanding any other provision in this Act concerning
2 the time within which a serviceman may file his return, in the
3 case of any serviceman who ceases to engage in a kind of
4 business which makes him responsible for filing returns under
5 this Act, such serviceman shall file a final return under this
6 Act with the Department not more than 1 month after
7 discontinuing such business.

8 Where a serviceman collects the tax with respect to the
9 selling price of property which he sells and the purchaser
10 thereafter returns such property and the serviceman refunds the
11 selling price thereof to the purchaser, such serviceman shall
12 also refund, to the purchaser, the tax so collected from the
13 purchaser. When filing his return for the period in which he
14 refunds such tax to the purchaser, the serviceman may deduct
15 the amount of the tax so refunded by him to the purchaser from
16 any other Service Use Tax, Service Occupation Tax, retailers'
17 occupation tax or use tax which such serviceman may be required
18 to pay or remit to the Department, as shown by such return,
19 provided that the amount of the tax to be deducted shall
20 previously have been remitted to the Department by such
21 serviceman. If the serviceman shall not previously have
22 remitted the amount of such tax to the Department, he shall be
23 entitled to no deduction hereunder upon refunding such tax to
24 the purchaser.

25 Any serviceman filing a return hereunder shall also include
26 the total tax upon the selling price of tangible personal

1 property purchased for use by him as an incident to a sale of
2 service, and such serviceman shall remit the amount of such tax
3 to the Department when filing such 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 servicemen, who are required to file
7 returns hereunder and also under the Service Occupation Tax
8 Act, to furnish all the return information required by both
9 Acts on the one form.

10 Where the serviceman has more than one business registered
11 with the Department under separate registration hereunder,
12 such serviceman shall 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 Tax Reform Fund, a special fund in
17 the State Treasury, the net revenue realized for the preceding
18 month from the 1% tax on sales of food for human consumption
19 which is to be consumed off the premises where it is sold
20 (other than alcoholic beverages, soft drinks and food which has
21 been prepared for immediate consumption) and prescription and
22 nonprescription medicines, drugs, medical appliances and
23 insulin, urine testing materials, syringes and needles used by
24 diabetics.

25 Beginning January 1, 1990, each month the Department shall
26 pay into the State and Local Sales Tax Reform Fund 20% of the

1 net revenue realized for the preceding month from the 6.25%
2 general rate on transfers of tangible personal property, other
3 than tangible personal property which is purchased outside
4 Illinois at retail from a retailer and which is titled or
5 registered by an agency of this State's government.

6 Beginning August 1, 2000, each month the Department shall
7 pay into the State and Local Sales Tax Reform Fund 100% of the
8 net revenue realized for the preceding month from the 1.25%
9 rate on the selling price of motor fuel and gasohol.

10 Beginning October 1, 2009, each month the Department shall
11 pay into the Capital Projects Fund an amount that is equal to
12 an amount estimated by the Department to represent 80% of the
13 net revenue realized for the preceding month from the sale of
14 candy, grooming and hygiene products, and soft drinks that had
15 been taxed at a rate of 1% prior to September 1, 2009 but that
16 are ~~is~~ now taxed at 6.25%.

17 Beginning July 1, 2013, each month the Department shall pay
18 into the Underground Storage Tank Fund from the proceeds
19 collected under this Act, the Use Tax Act, the Service
20 Occupation Tax Act, and the Retailers' Occupation Tax Act an
21 amount equal to the average monthly deficit in the Underground
22 Storage Tank Fund during the prior year, as certified annually
23 by the Illinois Environmental Protection Agency, but the total
24 payment into the Underground Storage Tank Fund under this Act,
25 the Use Tax Act, the Service Occupation Tax Act, and the
26 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in

1 any State fiscal year. As used in this paragraph, the "average
2 monthly deficit" shall be equal to the difference between the
3 average monthly claims for payment by the fund and the average
4 monthly revenues deposited into the fund, excluding payments
5 made pursuant to this paragraph.

6 Of the remainder of the moneys received by the Department
7 pursuant to this Act, (a) 1.75% thereof shall be paid into the
8 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
9 and after July 1, 1989, 3.8% thereof shall be paid into the
10 Build Illinois Fund; provided, however, that if in any fiscal
11 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
12 may be, of the moneys received by the Department and required
13 to be paid into the Build Illinois Fund pursuant to Section 3
14 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
15 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
16 Service Occupation Tax Act, such Acts being hereinafter called
17 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
18 may be, of moneys being hereinafter called the "Tax Act
19 Amount", and (2) the amount transferred to the Build Illinois
20 Fund from the State and Local Sales Tax Reform Fund shall be
21 less than the Annual Specified Amount (as defined in Section 3
22 of the Retailers' Occupation Tax Act), an amount equal to the
23 difference shall be immediately paid into the Build Illinois
24 Fund from other moneys received by the Department pursuant to
25 the Tax Acts; and further provided, that if on the last
26 business day of any month the sum of (1) the Tax Act Amount

1 required to be deposited into the Build Illinois Bond Account
2 in the Build Illinois Fund during such month and (2) the amount
3 transferred during such month to the Build Illinois Fund from
4 the State and Local Sales Tax Reform Fund shall have been less
5 than 1/12 of the Annual Specified Amount, an amount equal to
6 the difference shall be immediately paid into the Build
7 Illinois Fund from other moneys received by the Department
8 pursuant to the Tax Acts; and, further provided, that in no
9 event shall the payments required under the preceding proviso
10 result in aggregate payments into the Build Illinois Fund
11 pursuant to this clause (b) for any fiscal year in excess of
12 the greater of (i) the Tax Act Amount or (ii) the Annual
13 Specified Amount for such fiscal year; and, further provided,
14 that the amounts payable into the Build Illinois Fund under
15 this clause (b) shall be payable only until such time as the
16 aggregate amount on deposit under each trust indenture securing
17 Bonds issued and outstanding pursuant to the Build Illinois
18 Bond Act is sufficient, taking into account any future
19 investment income, to fully provide, in accordance with such
20 indenture, for the defeasance of or the payment of the
21 principal of, premium, if any, and interest on the Bonds
22 secured by such indenture and on any Bonds expected to be
23 issued thereafter and all fees and costs payable with respect
24 thereto, all as certified by the Director of the Bureau of the
25 Budget (now Governor's Office of Management and Budget). If on
26 the last business day of any month in which Bonds are

1 outstanding pursuant to the Build Illinois Bond Act, the
2 aggregate of the moneys deposited in the Build Illinois Bond
3 Account in the Build Illinois Fund in such month shall be less
4 than the amount required to be transferred in such month from
5 the Build Illinois Bond Account to the Build Illinois Bond
6 Retirement and Interest Fund pursuant to Section 13 of the
7 Build Illinois Bond Act, an amount equal to such deficiency
8 shall be immediately paid from other moneys received by the
9 Department pursuant to the Tax Acts to the Build Illinois Fund;
10 provided, however, that any amounts paid to the Build Illinois
11 Fund in any fiscal year pursuant to this sentence shall be
12 deemed to constitute payments pursuant to clause (b) of the
13 preceding sentence and shall reduce the amount otherwise
14 payable for such fiscal year pursuant to clause (b) of the
15 preceding sentence. The moneys received by the Department
16 pursuant to this Act and required to be deposited into the
17 Build Illinois Fund are subject to the pledge, claim and charge
18 set forth in Section 12 of the Build Illinois Bond 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 the 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.

	Fiscal Year	Total Deposit
5		
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

1	2013	161,000,000
2	2014	170,000,000
3	2015	179,000,000
4	2016	189,000,000
5	2017	199,000,000
6	2018	210,000,000
7	2019	221,000,000
8	2020	233,000,000
9	2021	246,000,000
10	2022	260,000,000
11	2023	275,000,000
12	2024	275,000,000
13	2025	275,000,000
14	2026	279,000,000
15	2027	292,000,000
16	2028	307,000,000
17	2029	322,000,000
18	2030	338,000,000
19	2031	350,000,000
20	2032	350,000,000

21 and
22 each fiscal year
23 thereafter that bonds
24 are outstanding under
25 Section 13.2 of the
26 Metropolitan Pier and

1 Exposition Authority Act,

2 but not after fiscal year 2060.

3 Beginning July 20, 1993 and in each month of each fiscal
4 year thereafter, one-eighth of the amount requested in the
5 certificate of the Chairman of the Metropolitan Pier and
6 Exposition Authority for that fiscal year, less the amount
7 deposited into the McCormick Place Expansion Project Fund by
8 the State Treasurer in the respective month under subsection
9 (g) of Section 13 of the Metropolitan Pier and Exposition
10 Authority Act, plus cumulative deficiencies in the deposits
11 required under this Section for previous months and years,
12 shall be deposited into the McCormick Place Expansion Project
13 Fund, until the full amount requested for the fiscal year, but
14 not in excess of the amount specified above as "Total Deposit",
15 has been deposited.

16 Subject to payment of amounts into the Build Illinois Fund
17 and the McCormick Place Expansion Project Fund pursuant to the
18 preceding paragraphs or in any amendments thereto hereafter
19 enacted, beginning July 1, 1993 and ending on September 30,
20 2013, the Department shall each month pay into the Illinois Tax
21 Increment Fund 0.27% of 80% of the net revenue realized for the
22 preceding month from the 6.25% general rate on the selling
23 price of tangible personal property.

24 Subject to payment of amounts into the Build Illinois Fund
25 and the McCormick Place Expansion Project Fund pursuant to the
26 preceding paragraphs or in any amendments thereto hereafter

1 enacted, beginning with the receipt of the first report of
2 taxes paid by an eligible business and continuing for a 25-year
3 period, the Department shall each month pay into the Energy
4 Infrastructure Fund 80% of the net revenue realized from the
5 6.25% general rate on the selling price of Illinois-mined coal
6 that was sold to an eligible business. For purposes of this
7 paragraph, the term "eligible business" means a new electric
8 generating facility certified pursuant to Section 605-332 of
9 the Department of Commerce and Economic Opportunity Law of the
10 Civil Administrative Code of Illinois.

11 Of the remainder of the moneys received by the Department
12 pursuant to this Act, 75% thereof shall be paid into the
13 General Revenue Fund of the State Treasury and 25% shall be
14 reserved in a special account and used only for the transfer to
15 the Common School Fund as part of the monthly transfer from the
16 General Revenue Fund in accordance with Section 8a of the State
17 Finance Act.

18 As soon as possible after the first day of each month, upon
19 certification of the Department of Revenue, the Comptroller
20 shall order transferred and the Treasurer shall transfer from
21 the General Revenue Fund to the Motor Fuel Tax Fund an amount
22 equal to 1.7% of 80% of the net revenue realized under this Act
23 for the second preceding month. Beginning April 1, 2000, this
24 transfer is no longer required and shall not be made.

25 Net revenue realized for a month shall be the revenue
26 collected by the State pursuant to this Act, less the amount

1 paid out during that month as refunds to taxpayers for
2 overpayment of liability.

3 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
4 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; revised 9-9-13.)

5 Section 185. The Service Occupation Tax Act is amended by
6 changing Sections 3-5, 3-10, and 9 as follows:

7 (35 ILCS 115/3-5)

8 Sec. 3-5. Exemptions. The following tangible personal
9 property is exempt from the tax imposed by this Act:

10 (1) Personal property sold by a corporation, society,
11 association, foundation, institution, or organization, other
12 than a limited liability company, that is organized and
13 operated as a not-for-profit service enterprise for the benefit
14 of persons 65 years of age or older if the personal property
15 was not purchased by the enterprise for the purpose of resale
16 by the enterprise.

17 (2) Personal property purchased by a not-for-profit
18 Illinois county fair association for use in conducting,
19 operating, or promoting the county fair.

20 (3) Personal property purchased by any not-for-profit arts
21 or cultural organization that establishes, by proof required by
22 the Department by rule, that it has received an exemption under
23 Section 501(c)(3) of the Internal Revenue Code and that is
24 organized and operated primarily for the presentation or

1 support of arts or cultural programming, activities, or
2 services. These organizations include, but are not limited to,
3 music and dramatic arts organizations such as symphony
4 orchestras and theatrical groups, arts and cultural service
5 organizations, local arts councils, visual arts organizations,
6 and media arts organizations. On and after the effective date
7 of this amendatory Act of the 92nd General Assembly, however,
8 an entity otherwise eligible for this exemption shall not make
9 tax-free purchases unless it has an active identification
10 number issued by the Department.

11 (4) Legal tender, currency, medallions, or gold or silver
12 coinage issued by the State of Illinois, the government of the
13 United States of America, or the government of any foreign
14 country, and bullion.

15 (5) Until July 1, 2003 and beginning again on September 1,
16 2004 through August 30, 2014, graphic arts machinery and
17 equipment, including repair and replacement parts, both new and
18 used, and including that manufactured on special order or
19 purchased for lease, certified by the purchaser to be used
20 primarily for graphic arts production. Equipment includes
21 chemicals or chemicals acting as catalysts but only if the
22 chemicals or chemicals acting as catalysts effect a direct and
23 immediate change upon a graphic arts product.

24 (6) Personal property sold by a teacher-sponsored student
25 organization affiliated with an elementary or secondary school
26 located in Illinois.

1 (7) Farm machinery and equipment, both new and used,
2 including that manufactured on special order, certified by the
3 purchaser to be used primarily for production agriculture or
4 State or federal agricultural programs, including individual
5 replacement parts for the machinery and equipment, including
6 machinery and equipment purchased for lease, and including
7 implements of husbandry defined in Section 1-130 of the
8 Illinois Vehicle Code, farm machinery and agricultural
9 chemical and fertilizer spreaders, and nurse wagons required to
10 be registered under Section 3-809 of the Illinois Vehicle Code,
11 but excluding other motor vehicles required to be registered
12 under the Illinois Vehicle Code. Horticultural polyhouses or
13 hoop houses used for propagating, growing, or overwintering
14 plants shall be considered farm machinery and equipment under
15 this item (7). Agricultural chemical tender tanks and dry boxes
16 shall include units sold separately from a motor vehicle
17 required to be licensed and units sold mounted on a motor
18 vehicle required to be licensed if the selling price of the
19 tender is separately stated.

20 Farm machinery and equipment shall include precision
21 farming equipment that is installed or purchased to be
22 installed on farm machinery and equipment including, but not
23 limited to, tractors, harvesters, sprayers, planters, seeders,
24 or spreaders. Precision farming equipment includes, but is not
25 limited to, soil testing sensors, computers, monitors,
26 software, global positioning and mapping systems, and other

1 such equipment.

2 Farm machinery and equipment also includes computers,
3 sensors, software, and related equipment used primarily in the
4 computer-assisted operation of production agriculture
5 facilities, equipment, and activities such as, but not limited
6 to, the collection, monitoring, and correlation of animal and
7 crop data for the purpose of formulating animal diets and
8 agricultural chemicals. This item (7) is exempt from the
9 provisions of Section 3-55.

10 (8) Until June 30, 2013, fuel and petroleum products sold
11 to or used by an air common carrier, certified by the carrier
12 to be used for consumption, shipment, or storage in the conduct
13 of its business as an air common carrier, for a flight destined
14 for or returning from a location or locations outside the
15 United States without regard to previous or subsequent domestic
16 stopovers.

17 Beginning July 1, 2013, fuel and petroleum products sold to
18 or used by an air carrier, certified by the carrier to be used
19 for consumption, shipment, or storage in the conduct of its
20 business as an air common carrier, for a flight that (i) is
21 engaged in foreign trade or is engaged in trade between the
22 United States and any of its possessions and (ii) transports at
23 least one individual or package for hire from the city of
24 origination to the city of final destination on the same
25 aircraft, without regard to a change in the flight number of
26 that aircraft.

1 (9) Proceeds of mandatory service charges separately
2 stated on customers' bills for the purchase and consumption of
3 food and beverages, to the extent that the proceeds of the
4 service charge are in fact turned over as tips or as a
5 substitute for tips to the employees who participate directly
6 in preparing, serving, hosting or cleaning up the food or
7 beverage function with respect to which the service charge is
8 imposed.

9 (10) Until July 1, 2003, oil field exploration, drilling,
10 and production equipment, including (i) rigs and parts of rigs,
11 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
12 tubular goods, including casing and drill strings, (iii) pumps
13 and pump-jack units, (iv) storage tanks and flow lines, (v) any
14 individual replacement part for oil field exploration,
15 drilling, and production equipment, and (vi) machinery and
16 equipment purchased for lease; but excluding motor vehicles
17 required to be registered under the Illinois Vehicle Code.

18 (11) Photoprocessing machinery and equipment, including
19 repair and replacement parts, both new and used, including that
20 manufactured on special order, certified by the purchaser to be
21 used primarily for photoprocessing, and including
22 photoprocessing machinery and equipment purchased for lease.

23 (12) Coal and aggregate exploration, mining, off-highway
24 ~~off-highway~~ hauling, processing, maintenance, and reclamation
25 equipment, including replacement parts and equipment, and
26 including equipment purchased for lease, but excluding motor

1 vehicles required to be registered under the Illinois Vehicle
2 Code. The changes made to this Section by Public Act 97-767
3 apply on and after July 1, 2003, but no claim for credit or
4 refund is allowed on or after August 16, 2013 (the effective
5 date of Public Act 98-456) ~~this amendatory Act of the 98th~~
6 ~~General Assembly~~ for such taxes paid during the period
7 beginning July 1, 2003 and ending on August 16, 2013 (the
8 effective date of Public Act 98-456) ~~this amendatory Act of the~~
9 ~~98th General Assembly~~.

10 (13) Beginning January 1, 1992 and through June 30, 2016,
11 food for human consumption that is to be consumed off the
12 premises where it is sold (other than alcoholic beverages, soft
13 drinks and food that has been prepared for immediate
14 consumption) and prescription and non-prescription medicines,
15 drugs, medical appliances, and insulin, urine testing
16 materials, syringes, and needles used by diabetics, for human
17 use, when purchased for use by a person receiving medical
18 assistance under Article V of the Illinois Public Aid Code who
19 resides in a licensed long-term care facility, as defined in
20 the Nursing Home Care Act, or in a licensed facility as defined
21 in the ID/DD Community Care Act or the Specialized Mental
22 Health Rehabilitation Act of 2013.

23 (14) Semen used for artificial insemination of livestock
24 for direct agricultural production.

25 (15) Horses, or interests in horses, registered with and
26 meeting the requirements of any of the Arabian Horse Club

1 Registry of America, Appaloosa Horse Club, American Quarter
2 Horse Association, United States Trotting Association, or
3 Jockey Club, as appropriate, used for purposes of breeding or
4 racing for prizes. This item (15) is exempt from the provisions
5 of Section 3-55, and the exemption provided for under this item
6 (15) applies for all periods beginning May 30, 1995, but no
7 claim for credit or refund is allowed on or after January 1,
8 2008 (the effective date of Public Act 95-88) for such taxes
9 paid during the period beginning May 30, 2000 and ending on
10 January 1, 2008 (the effective date of Public Act 95-88).

11 (16) Computers and communications equipment utilized for
12 any hospital purpose and equipment used in the diagnosis,
13 analysis, or treatment of hospital patients sold to a lessor
14 who leases the equipment, under a lease of one year or longer
15 executed or in effect at the time of the purchase, to a
16 hospital that has been issued an active tax exemption
17 identification number by the Department under Section 1g of the
18 Retailers' Occupation Tax Act.

19 (17) Personal property sold to a lessor who leases the
20 property, under a lease of one year or longer executed or in
21 effect at the time of the purchase, to a governmental body that
22 has been issued an active tax exemption identification number
23 by the Department under Section 1g of the Retailers' Occupation
24 Tax Act.

25 (18) Beginning with taxable years ending on or after
26 December 31, 1995 and ending with taxable years ending on or

1 before December 31, 2004, personal property that is donated for
2 disaster relief to be used in a State or federally declared
3 disaster area in Illinois or bordering Illinois by a
4 manufacturer or retailer that is registered in this State to a
5 corporation, society, association, foundation, or institution
6 that has been issued a sales tax exemption identification
7 number by the Department that assists victims of the disaster
8 who reside within the declared disaster area.

9 (19) 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 used in the
12 performance of infrastructure repairs in this State, including
13 but not limited to municipal roads and streets, access roads,
14 bridges, sidewalks, waste disposal systems, water and sewer
15 line extensions, water distribution and purification
16 facilities, storm water drainage and retention facilities, and
17 sewage treatment facilities, resulting from a State or
18 federally declared disaster in Illinois or bordering Illinois
19 when such repairs are initiated on facilities located in the
20 declared disaster area within 6 months after the disaster.

21 (20) Beginning July 1, 1999, game or game birds sold at a
22 "game breeding and hunting preserve area" as that term is used
23 in the Wildlife Code. This paragraph is exempt from the
24 provisions of Section 3-55.

25 (21) 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 Department
3 to be organized and operated exclusively for educational
4 purposes. For purposes of this exemption, "a corporation,
5 limited liability company, society, association, foundation,
6 or institution organized and operated exclusively for
7 educational purposes" means all tax-supported public schools,
8 private schools that offer systematic instruction in useful
9 branches of learning by methods common to public schools and
10 that compare favorably in their scope and intensity with the
11 course of study presented in tax-supported schools, and
12 vocational or technical schools or institutes organized and
13 operated exclusively to provide a course of study of not less
14 than 6 weeks duration and designed to prepare individuals to
15 follow a trade or to pursue a manual, technical, mechanical,
16 industrial, business, or commercial occupation.

17 (22) Beginning January 1, 2000, personal property,
18 including food, purchased through fundraising events for the
19 benefit of a public or private elementary or secondary school,
20 a group of those schools, or one or more school districts if
21 the events are sponsored by an entity recognized by the school
22 district that consists primarily of volunteers and includes
23 parents and teachers of the school children. This paragraph
24 does not apply to fundraising events (i) for the benefit of
25 private home instruction or (ii) for which the fundraising
26 entity purchases the personal property sold at the events from

1 another individual or entity that sold the property for the
2 purpose of resale by the fundraising entity and that profits
3 from the sale to the fundraising entity. This paragraph is
4 exempt from the provisions of Section 3-55.

5 (23) Beginning January 1, 2000 and through December 31,
6 2001, new or used automatic vending machines that prepare and
7 serve hot food and beverages, including coffee, soup, and other
8 items, and replacement parts for these machines. Beginning
9 January 1, 2002 and through June 30, 2003, machines and parts
10 for machines used in commercial, coin-operated amusement and
11 vending business if a use or occupation tax is paid on the
12 gross receipts derived from the use of the commercial,
13 coin-operated amusement and vending machines. This paragraph
14 is exempt from the provisions of Section 3-55.

15 (24) Beginning on the effective date of this amendatory Act
16 of the 92nd General Assembly, computers and communications
17 equipment utilized for any hospital purpose and equipment used
18 in the diagnosis, analysis, or treatment of hospital patients
19 sold to a lessor who leases the equipment, under a lease of one
20 year or longer executed or in effect at the time of the
21 purchase, to a hospital that has been issued an active tax
22 exemption identification number by the Department under
23 Section 1g of the Retailers' Occupation Tax Act. This paragraph
24 is exempt from the provisions of Section 3-55.

25 (25) Beginning on the effective date of this amendatory Act
26 of the 92nd General Assembly, personal property sold to a

1 lessor who leases the property, under a lease of one year or
2 longer executed or in effect at the time of the purchase, to a
3 governmental body that has been issued an active tax exemption
4 identification number by the Department under Section 1g of the
5 Retailers' Occupation Tax Act. This paragraph is exempt from
6 the provisions of Section 3-55.

7 (26) Beginning on January 1, 2002 and through June 30,
8 2016, tangible personal property purchased from an Illinois
9 retailer by a taxpayer engaged in centralized purchasing
10 activities in Illinois who will, upon receipt of the property
11 in Illinois, temporarily store the property in Illinois (i) for
12 the purpose of subsequently transporting it outside this State
13 for use or consumption thereafter solely outside this State or
14 (ii) for the purpose of being processed, fabricated, or
15 manufactured into, attached to, or incorporated into other
16 tangible personal property to be transported outside this State
17 and thereafter used or consumed solely outside this State. The
18 Director of Revenue shall, pursuant to rules adopted in
19 accordance with the Illinois Administrative Procedure Act,
20 issue a permit to any taxpayer in good standing with the
21 Department who is eligible for the exemption under this
22 paragraph (26). The permit issued under this paragraph (26)
23 shall authorize the holder, to the extent and in the manner
24 specified in the rules adopted under this Act, to purchase
25 tangible personal property from a retailer exempt from the
26 taxes imposed by this Act. Taxpayers shall maintain all

1 necessary books and records to substantiate the use and
2 consumption of all such tangible personal property outside of
3 the State of Illinois.

4 (27) Beginning January 1, 2008, tangible personal property
5 used in the construction or maintenance of a community water
6 supply, as defined under Section 3.145 of the Environmental
7 Protection Act, that is operated by a not-for-profit
8 corporation that holds a valid water supply permit issued under
9 Title IV of the Environmental Protection Act. This paragraph is
10 exempt from the provisions of Section 3-55.

11 (28) Tangible personal property sold to a
12 public-facilities corporation, as described in Section
13 11-65-10 of the Illinois Municipal Code, for purposes of
14 constructing or furnishing a municipal convention hall, but
15 only if the legal title to the municipal convention hall is
16 transferred to the municipality without any further
17 consideration by or on behalf of the municipality at the time
18 of the completion of the municipal convention hall or upon the
19 retirement or redemption of any bonds or other debt instruments
20 issued by the public-facilities corporation in connection with
21 the development of the municipal convention hall. This
22 exemption includes existing public-facilities corporations as
23 provided in Section 11-65-25 of the Illinois Municipal Code.
24 This paragraph is exempt from the provisions of Section 3-55.

25 (29) Beginning January 1, 2010, materials, parts,
26 equipment, components, and furnishings incorporated into or

1 upon an aircraft as part of the modification, refurbishment,
2 completion, replacement, repair, or maintenance of the
3 aircraft. This exemption includes consumable supplies used in
4 the modification, refurbishment, completion, replacement,
5 repair, and maintenance of aircraft, but excludes any
6 materials, parts, equipment, components, and consumable
7 supplies used in the modification, replacement, repair, and
8 maintenance of aircraft engines or power plants, whether such
9 engines or power plants are installed or uninstalled upon any
10 such aircraft. "Consumable supplies" include, but are not
11 limited to, adhesive, tape, sandpaper, general purpose
12 lubricants, cleaning solution, latex gloves, and protective
13 films. This exemption applies only to the transfer of
14 qualifying tangible personal property incident to the
15 modification, refurbishment, completion, replacement, repair,
16 or maintenance of an aircraft by persons who (i) hold an Air
17 Agency Certificate and are empowered to operate an approved
18 repair station by the Federal Aviation Administration, (ii)
19 have a Class IV Rating, and (iii) conduct operations in
20 accordance with Part 145 of the Federal Aviation Regulations.
21 The exemption does not include aircraft operated by a
22 commercial air carrier providing scheduled passenger air
23 service pursuant to authority issued under Part 121 or Part 129
24 of the Federal Aviation Regulations. The changes made to this
25 paragraph (29) by Public Act 98-534 ~~this amendatory Act of the~~
26 ~~98th General Assembly~~ are declarative of existing law.

1 (Source: P.A. 97-38, eff. 6-28-11; 97-73, eff. 6-30-11; 97-227,
2 eff. 1-1-12; 97-431, eff. 8-16-11; 97-636, eff. 6-1-12; 97-767,
3 eff. 7-9-12; 98-104, eff. 7-22-13; 98-422, eff. 8-16-13;
4 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; revised 9-9-13.)

5 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

6 Sec. 3-10. Rate of tax. Unless otherwise provided in this
7 Section, the tax imposed by this Act is at the rate of 6.25% of
8 the "selling price", as defined in Section 2 of the Service Use
9 Tax Act, of the tangible personal property. For the purpose of
10 computing this tax, in no event shall the "selling price" be
11 less than the cost price to the serviceman of the tangible
12 personal property transferred. The selling price of each item
13 of tangible personal property transferred as an incident of a
14 sale of service may be shown as a distinct and separate item on
15 the serviceman's billing to the service customer. If the
16 selling price is not so shown, the selling price of the
17 tangible personal property is deemed to be 50% of the
18 serviceman's entire billing to the service customer. When,
19 however, a serviceman contracts to design, develop, and produce
20 special order machinery or equipment, the tax imposed by this
21 Act shall be based on the serviceman's cost price of the
22 tangible personal property transferred incident to the
23 completion of the contract.

24 Beginning on July 1, 2000 and through December 31, 2000,
25 with respect to motor fuel, as defined in Section 1.1 of the

1 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
2 the Use Tax Act, the tax is imposed at the rate of 1.25%.

3 With respect to gasohol, as defined in the Use Tax Act, the
4 tax imposed by this Act shall apply to (i) 70% of the cost
5 price of property transferred as an incident to the sale of
6 service on or after January 1, 1990, and before July 1, 2003,
7 (ii) 80% of the selling price of property transferred as an
8 incident to the sale of service on or after July 1, 2003 and on
9 or before December 31, 2018, and (iii) 100% of the cost price
10 thereafter. If, at any time, however, the tax under this Act on
11 sales of gasohol, as defined in the Use Tax Act, is imposed at
12 the rate of 1.25%, then the tax imposed by this Act applies to
13 100% of the proceeds of sales of gasohol made during that time.

14 With respect to majority blended ethanol fuel, as defined
15 in the Use Tax Act, the tax imposed by this Act does not apply
16 to the selling price of property transferred as an incident to
17 the sale of service on or after July 1, 2003 and on or before
18 December 31, 2018 but applies to 100% of the selling price
19 thereafter.

20 With respect to biodiesel blends, as defined in the Use Tax
21 Act, with no less than 1% and no more than 10% biodiesel, the
22 tax imposed by this Act applies to (i) 80% of the selling price
23 of property transferred as an incident to the sale of service
24 on or after July 1, 2003 and on or before December 31, 2018 and
25 (ii) 100% of the proceeds of the selling price thereafter. If,
26 at any time, however, the tax under this Act on sales of

1 biodiesel blends, as defined in the Use Tax Act, with no less
2 than 1% and no more than 10% biodiesel is imposed at the rate
3 of 1.25%, then the tax imposed by this Act applies to 100% of
4 the proceeds of sales of biodiesel blends with no less than 1%
5 and no more than 10% biodiesel made during that time.

6 With respect to 100% biodiesel, as defined in the Use Tax
7 Act, and biodiesel blends, as defined in the Use Tax Act, with
8 more than 10% but no more than 99% biodiesel material, the tax
9 imposed by this Act does not apply to the proceeds of the
10 selling price of property transferred as an incident to the
11 sale of service on or after July 1, 2003 and on or before
12 December 31, 2018 but applies to 100% of the selling price
13 thereafter.

14 At the election of any registered serviceman made for each
15 fiscal year, sales of service in which the aggregate annual
16 cost price of tangible personal property transferred as an
17 incident to the sales of service is less than 35%, or 75% in
18 the case of servicemen transferring prescription drugs or
19 servicemen engaged in graphic arts production, of the aggregate
20 annual total gross receipts from all sales of service, the tax
21 imposed by this Act shall be based on the serviceman's cost
22 price of the tangible personal property transferred incident to
23 the sale of those services.

24 The tax shall be imposed at the rate of 1% on food prepared
25 for immediate consumption and transferred incident to a sale of
26 service subject to this Act or the Service Occupation Tax Act

1 by an entity licensed under the Hospital Licensing Act, the
2 Nursing Home Care Act, the ID/DD Community Care Act, the
3 Specialized Mental Health Rehabilitation Act of 2013, or the
4 Child Care Act of 1969. The tax shall also be imposed at the
5 rate of 1% on food for human consumption that is to be consumed
6 off the premises where it is sold (other than alcoholic
7 beverages, soft drinks, and food that has been prepared for
8 immediate consumption and is not otherwise included in this
9 paragraph) and prescription and nonprescription medicines,
10 drugs, medical appliances, modifications to a motor vehicle for
11 the purpose of rendering it usable by a disabled person, and
12 insulin, urine testing materials, syringes, and needles used by
13 diabetics, for human use. For the purposes of this Section,
14 until September 1, 2009: the term "soft drinks" means any
15 complete, finished, ready-to-use, non-alcoholic drink, whether
16 carbonated or not, including but not limited to soda water,
17 cola, fruit juice, vegetable juice, carbonated water, and all
18 other preparations commonly known as soft drinks of whatever
19 kind or description that are contained in any closed or sealed
20 can, carton, or container, regardless of size; but "soft
21 drinks" does not include coffee, tea, non-carbonated water,
22 infant 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" do not include beverages that contain milk or milk
3 products, soy, rice or similar milk substitutes, or greater
4 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 other
23 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 C.F.R. § 201.66. The "over-the-counter-drug"
12 label includes:

13 (A) A "Drug Facts" panel; or

14 (B) 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) ~~this amendatory Act of the 98th General Assembly,~~
19 "prescription and nonprescription medicines and drugs"
20 includes medical cannabis purchased from a registered
21 dispensing organization under the Compassionate Use of Medical
22 Cannabis Pilot Program Act.

23 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-636,
24 eff. 6-1-12; 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; revised
25 8-9-13.)

1 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

2 Sec. 9. Each serviceman required or authorized to collect
3 the tax herein imposed shall pay to the Department the amount
4 of such tax at the time when he is required to file his return
5 for the period during which such tax was collectible, less a
6 discount of 2.1% prior to January 1, 1990, and 1.75% on and
7 after January 1, 1990, or \$5 per calendar year, whichever is
8 greater, which is allowed to reimburse the serviceman for
9 expenses incurred in collecting the tax, keeping records,
10 preparing and filing returns, remitting the tax and supplying
11 data to the Department on request. The Department may disallow
12 the discount for servicemen whose certificate of registration
13 is revoked at the time the return is filed, but only if the
14 Department's decision to revoke the certificate of
15 registration has become final.

16 Where such tangible personal property is sold under a
17 conditional sales contract, or under any other form of sale
18 wherein the payment of the principal sum, or a part thereof, is
19 extended beyond the close of the period for which the return is
20 filed, the serviceman, in collecting the tax may collect, for
21 each tax return period, only the tax applicable to the part of
22 the selling price actually received during such tax return
23 period.

24 Except as provided hereinafter in this Section, on or
25 before the twentieth day of each calendar month, such
26 serviceman shall file a return for the preceding calendar month

1 in accordance with reasonable rules and regulations to be
2 promulgated by the Department of Revenue. Such return shall be
3 filed on a form prescribed by the Department and shall contain
4 such information as the Department may reasonably require.

5 The Department may require returns to be filed on a
6 quarterly basis. If so required, a return for each calendar
7 quarter shall be filed on or before the twentieth day of the
8 calendar month following the end of such calendar quarter. The
9 taxpayer shall also file a return with the Department for each
10 of the first two months of each calendar quarter, on or before
11 the twentieth day of the following calendar month, stating:

12 1. The name of the seller;

13 2. The address of the principal place of business from
14 which he engages in business as a serviceman in this State;

15 3. The total amount of taxable receipts received by him
16 during the preceding calendar month, including receipts
17 from charge and time sales, but less all deductions allowed
18 by law;

19 4. The amount of credit provided in Section 2d of this
20 Act;

21 5. The amount of tax due;

22 5-5. The signature of the taxpayer; and

23 6. Such other reasonable information as the Department
24 may require.

25 If a taxpayer fails to sign a return within 30 days after
26 the proper notice and demand for signature by the Department,

1 the return shall be considered valid and any amount shown to be
2 due on the return shall be deemed assessed.

3 Prior to October 1, 2003, and on and after September 1,
4 2004 a serviceman may accept a Manufacturer's Purchase Credit
5 certification from a purchaser in satisfaction of Service Use
6 Tax as provided in Section 3-70 of the Service Use Tax Act if
7 the purchaser provides the appropriate documentation as
8 required by Section 3-70 of the Service Use Tax Act. A
9 Manufacturer's Purchase Credit certification, accepted prior
10 to October 1, 2003 or on or after September 1, 2004 by a
11 serviceman as provided in Section 3-70 of the Service Use Tax
12 Act, may be used by that serviceman to satisfy Service
13 Occupation Tax liability in the amount claimed in the
14 certification, not to exceed 6.25% of the receipts subject to
15 tax from a qualifying purchase. A Manufacturer's Purchase
16 Credit reported on any original or amended return filed under
17 this Act after October 20, 2003 for reporting periods prior to
18 September 1, 2004 shall be disallowed. Manufacturer's Purchase
19 Credit reported on annual returns due on or after January 1,
20 2005 will be disallowed for periods prior to September 1, 2004.
21 No Manufacturer's Purchase Credit may be used after September
22 30, 2003 through August 31, 2004 to satisfy any tax liability
23 imposed under this Act, including any audit liability.

24 If the serviceman's average monthly tax liability to the
25 Department does not exceed \$200, the Department may authorize
26 his returns to be filed on a quarter annual basis, with the

1 return for January, February and March of a given year being
2 due by April 20 of such year; with the return for April, May
3 and June of a given year being due by July 20 of such year; with
4 the return for July, August and September of a given year being
5 due by October 20 of such year, and with the return for
6 October, November and December of a given year being due by
7 January 20 of the following year.

8 If the serviceman's average monthly tax liability to the
9 Department does not exceed \$50, the Department may authorize
10 his returns to be filed on an annual basis, with the return for
11 a given year being due by January 20 of the following year.

12 Such quarter annual and annual returns, as to form and
13 substance, shall be subject to the same requirements as monthly
14 returns.

15 Notwithstanding any other provision in this Act concerning
16 the time within which a serviceman may file his return, in the
17 case of any serviceman who ceases to engage in a kind of
18 business which makes him responsible for filing returns under
19 this Act, such serviceman shall file a final return under this
20 Act with the Department not more than 1 month after
21 discontinuing such business.

22 Beginning October 1, 1993, a taxpayer who has an average
23 monthly tax liability of \$150,000 or more shall make all
24 payments required by rules of the Department by electronic
25 funds transfer. Beginning October 1, 1994, a taxpayer who has
26 an average monthly tax liability of \$100,000 or more shall make

1 all payments required by rules of the Department by electronic
2 funds transfer. Beginning October 1, 1995, a taxpayer who has
3 an average monthly tax liability of \$50,000 or more shall make
4 all payments required by rules of the Department by electronic
5 funds transfer. Beginning October 1, 2000, a taxpayer who has
6 an annual tax liability of \$200,000 or more shall make all
7 payments required by rules of the Department by electronic
8 funds transfer. The term "annual tax liability" shall be the
9 sum of the taxpayer's liabilities under this Act, and under all
10 other State and local occupation and use tax laws administered
11 by the Department, for the immediately preceding calendar year.
12 The term "average monthly tax liability" means the sum of the
13 taxpayer's liabilities under this Act, and under all other
14 State and local occupation and use tax laws administered by the
15 Department, for the immediately preceding calendar year
16 divided by 12. Beginning on October 1, 2002, a taxpayer who has
17 a tax liability in the amount set forth in subsection (b) of
18 Section 2505-210 of the Department of Revenue Law shall make
19 all payments required by rules of the Department by electronic
20 funds transfer.

21 Before August 1 of each year beginning in 1993, the
22 Department shall notify all taxpayers required to make payments
23 by electronic funds transfer. All taxpayers required to make
24 payments by electronic funds transfer shall make those payments
25 for a minimum of one year beginning on October 1.

26 Any taxpayer not required to make payments by electronic

1 funds transfer may make payments by electronic funds transfer
2 with the permission of the Department.

3 All taxpayers required to make payment by electronic funds
4 transfer and any taxpayers authorized to voluntarily make
5 payments by electronic funds transfer shall make those payments
6 in the manner authorized by the Department.

7 The Department shall adopt such rules as are necessary to
8 effectuate a program of electronic funds transfer and the
9 requirements of this Section.

10 Where a serviceman collects the tax with respect to the
11 selling price of tangible personal property which he sells and
12 the purchaser thereafter returns such tangible personal
13 property and the serviceman refunds the selling price thereof
14 to the purchaser, such serviceman shall also refund, to the
15 purchaser, the tax so collected from the purchaser. When filing
16 his return for the period in which he refunds such tax to the
17 purchaser, the serviceman may deduct the amount of the tax so
18 refunded by him to the purchaser from any other Service
19 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or
20 Use Tax which such serviceman may be required to pay or remit
21 to the Department, as shown by such return, provided that the
22 amount of the tax to be deducted shall previously have been
23 remitted to the Department by such serviceman. If the
24 serviceman shall not previously have remitted the amount of
25 such tax to the Department, he shall be entitled to no
26 deduction hereunder upon refunding such tax to the purchaser.

1 If experience indicates such action to be practicable, the
2 Department may prescribe and furnish a combination or joint
3 return which will enable servicemen, who are required to file
4 returns hereunder and also under the Retailers' Occupation Tax
5 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
6 the return information required by all said Acts on the one
7 form.

8 Where the serviceman has more than one business registered
9 with the Department under separate registrations hereunder,
10 such serviceman shall file separate returns for each registered
11 business.

12 Beginning January 1, 1990, each month the Department shall
13 pay into the Local Government Tax Fund the revenue realized for
14 the preceding month from the 1% tax on sales of food for human
15 consumption which is to be consumed off the premises where it
16 is sold (other than alcoholic beverages, soft drinks and food
17 which has been prepared for immediate consumption) and
18 prescription and nonprescription medicines, drugs, medical
19 appliances and insulin, urine testing materials, syringes and
20 needles used by diabetics.

21 Beginning January 1, 1990, each month the Department shall
22 pay into the County and Mass Transit District Fund 4% of the
23 revenue realized for the preceding month from the 6.25% general
24 rate.

25 Beginning August 1, 2000, each month the Department shall
26 pay into the County and Mass Transit District Fund 20% of the

1 net revenue realized for the preceding month from the 1.25%
2 rate on the selling price of motor fuel and gasohol.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the Local Government Tax Fund 16% of the revenue
5 realized for the preceding month from the 6.25% general rate on
6 transfers of tangible personal property.

7 Beginning August 1, 2000, each month the Department shall
8 pay into the Local Government Tax Fund 80% of the net revenue
9 realized for the preceding month from the 1.25% rate on the
10 selling price of motor fuel and gasohol.

11 Beginning October 1, 2009, each month the Department shall
12 pay into the Capital Projects Fund an amount that is equal to
13 an amount estimated by the Department to represent 80% of the
14 net revenue realized for the preceding month from the sale of
15 candy, grooming and hygiene products, and soft drinks that had
16 been taxed at a rate of 1% prior to September 1, 2009 but that
17 are ~~is~~ now taxed at 6.25%.

18 Beginning July 1, 2013, each month the Department shall pay
19 into the Underground Storage Tank Fund from the proceeds
20 collected under this Act, the Use Tax Act, the Service Use Tax
21 Act, and the Retailers' Occupation Tax Act an amount equal to
22 the average monthly deficit in the Underground Storage Tank
23 Fund during the prior year, as certified annually by the
24 Illinois Environmental Protection Agency, but the total
25 payment into the Underground Storage Tank Fund under this Act,
26 the Use Tax Act, the Service Use Tax Act, and the Retailers'

1 Occupation Tax Act shall not exceed \$18,000,000 in any State
2 fiscal year. As used in this paragraph, the "average monthly
3 deficit" shall be equal to the difference between the average
4 monthly claims for payment by the fund and the average monthly
5 revenues deposited into the fund, excluding payments made
6 pursuant to this paragraph.

7 Of the remainder of the moneys received by the Department
8 pursuant to this Act, (a) 1.75% thereof shall be paid into the
9 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
10 and after July 1, 1989, 3.8% thereof shall be paid into the
11 Build Illinois Fund; provided, however, that if in any fiscal
12 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
13 may be, of the moneys received by the Department and required
14 to be paid into the Build Illinois Fund pursuant to Section 3
15 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
16 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
17 Service Occupation Tax Act, such Acts being hereinafter called
18 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
19 may be, of moneys being hereinafter called the "Tax Act
20 Amount", and (2) the amount transferred to the Build Illinois
21 Fund from the State and Local Sales Tax Reform Fund shall be
22 less than the Annual Specified Amount (as defined in Section 3
23 of the Retailers' Occupation Tax Act), an amount equal to the
24 difference shall be immediately paid into the Build Illinois
25 Fund from other moneys received by the Department pursuant to
26 the Tax Acts; and further provided, that if on the last

1 business day of any month the sum of (1) the Tax Act Amount
2 required to be deposited into the Build Illinois Account in the
3 Build Illinois Fund during such month and (2) the amount
4 transferred during such month to the Build Illinois Fund from
5 the State and Local Sales Tax Reform Fund shall have been less
6 than 1/12 of the Annual Specified Amount, an amount equal to
7 the difference shall be immediately paid into the Build
8 Illinois Fund from other moneys received by the Department
9 pursuant to the Tax Acts; and, further provided, that in no
10 event shall the payments required under the preceding proviso
11 result in aggregate payments into the Build Illinois Fund
12 pursuant to this clause (b) for any fiscal year in excess of
13 the greater of (i) the Tax Act Amount or (ii) the Annual
14 Specified Amount for such fiscal year; and, further provided,
15 that the amounts payable into the Build Illinois Fund under
16 this clause (b) shall be payable only until such time as the
17 aggregate amount on deposit under each trust indenture securing
18 Bonds issued and outstanding pursuant to the Build Illinois
19 Bond Act is sufficient, taking into account any future
20 investment income, to fully provide, in accordance with such
21 indenture, for the defeasance of or the payment of the
22 principal of, premium, if any, and interest on the Bonds
23 secured by such indenture and on any Bonds expected to be
24 issued thereafter and all fees and costs payable with respect
25 thereto, all as certified by the Director of the Bureau of the
26 Budget (now Governor's Office of Management and Budget). If on

1 the last business day of any month in which Bonds are
2 outstanding pursuant to the Build Illinois Bond Act, the
3 aggregate of the moneys deposited in the Build Illinois Bond
4 Account in the Build Illinois Fund in such month shall be less
5 than the amount required to be transferred in such month from
6 the Build Illinois Bond Account to the Build Illinois Bond
7 Retirement and Interest Fund pursuant to Section 13 of the
8 Build Illinois Bond Act, an amount equal to such deficiency
9 shall be immediately paid from other moneys received by the
10 Department pursuant to the Tax Acts to the Build Illinois Fund;
11 provided, however, that any amounts paid to the Build Illinois
12 Fund in any fiscal year pursuant to this sentence shall be
13 deemed to constitute payments pursuant to clause (b) of the
14 preceding sentence and shall reduce the amount otherwise
15 payable for such fiscal year pursuant to clause (b) of the
16 preceding sentence. The moneys received by the Department
17 pursuant to this Act and required to be deposited into the
18 Build Illinois Fund are subject to the pledge, claim and charge
19 set forth in Section 12 of the Build Illinois Bond Act.

20 Subject to payment of amounts into the Build Illinois Fund
21 as provided in the preceding paragraph or in any amendment
22 thereto hereafter enacted, the following specified monthly
23 installment of the amount requested in the certificate of the
24 Chairman of the Metropolitan Pier and Exposition Authority
25 provided under Section 8.25f of the State Finance Act, but not
26 in excess of the sums designated as "Total Deposit", shall be

1 deposited in the aggregate from collections under Section 9 of
2 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
3 9 of the Service Occupation Tax Act, and Section 3 of the
4 Retailers' Occupation Tax Act into the McCormick Place
5 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
6		
7	1993	\$0
8	1994	53,000,000
9	1995	58,000,000
10	1996	61,000,000
11	1997	64,000,000
12	1998	68,000,000
13	1999	71,000,000
14	2000	75,000,000
15	2001	80,000,000
16	2002	93,000,000
17	2003	99,000,000
18	2004	103,000,000
19	2005	108,000,000
20	2006	113,000,000
21	2007	119,000,000
22	2008	126,000,000
23	2009	132,000,000
24	2010	139,000,000
25	2011	146,000,000

1	2012	153,000,000
2	2013	161,000,000
3	2014	170,000,000
4	2015	179,000,000
5	2016	189,000,000
6	2017	199,000,000
7	2018	210,000,000
8	2019	221,000,000
9	2020	233,000,000
10	2021	246,000,000
11	2022	260,000,000
12	2023	275,000,000
13	2024	275,000,000
14	2025	275,000,000
15	2026	279,000,000
16	2027	292,000,000
17	2028	307,000,000
18	2029	322,000,000
19	2030	338,000,000
20	2031	350,000,000
21	2032	350,000,000

22 and
23 each fiscal year
24 thereafter that bonds
25 are outstanding under
26 Section 13.2 of the

1 Metropolitan Pier and
2 Exposition Authority Act,
3 but not after fiscal year 2060.

4 Beginning July 20, 1993 and in each month of each fiscal
5 year thereafter, one-eighth of the amount requested in the
6 certificate of the Chairman of the Metropolitan Pier and
7 Exposition Authority for that fiscal year, less the amount
8 deposited into the McCormick Place Expansion Project Fund by
9 the State Treasurer in the respective month under subsection
10 (g) of Section 13 of the Metropolitan Pier and Exposition
11 Authority Act, plus cumulative deficiencies in the deposits
12 required under this Section for previous months and years,
13 shall be deposited into the McCormick Place Expansion Project
14 Fund, until the full amount requested for the fiscal year, but
15 not in excess of the amount specified above as "Total Deposit",
16 has been deposited.

17 Subject to payment of amounts into the Build Illinois Fund
18 and the McCormick Place Expansion Project Fund pursuant to the
19 preceding paragraphs or in any amendments thereto hereafter
20 enacted, beginning July 1, 1993 and ending on September 30,
21 2013, the Department shall each month pay into the Illinois Tax
22 Increment Fund 0.27% of 80% of the net revenue realized for the
23 preceding month from the 6.25% general rate on the selling
24 price of tangible personal property.

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 with the receipt of the first report of
3 taxes paid by an eligible business and continuing for a 25-year
4 period, the Department shall each month pay into the Energy
5 Infrastructure Fund 80% of the net revenue realized from the
6 6.25% general rate on the selling price of Illinois-mined coal
7 that was sold to an eligible business. For purposes of this
8 paragraph, the term "eligible business" means a new electric
9 generating facility certified pursuant to Section 605-332 of
10 the Department of Commerce and Economic Opportunity Law of the
11 Civil Administrative Code of Illinois.

12 Of the remainder of the moneys received by the Department
13 pursuant to this Act, 75% shall be paid into the General
14 Revenue Fund of the State Treasury and 25% shall be reserved in
15 a special account and used only for the transfer to the Common
16 School Fund as part of the monthly transfer from the General
17 Revenue Fund in accordance with Section 8a of the State Finance
18 Act.

19 The Department may, upon separate written notice to a
20 taxpayer, require the taxpayer to prepare and file with the
21 Department on a form prescribed by the Department within not
22 less than 60 days after receipt of the notice an annual
23 information return for the tax year specified in the notice.
24 Such annual return to the Department shall include a statement
25 of gross receipts as shown by the taxpayer's last Federal
26 income tax return. If the total receipts of the business as

1 reported in the Federal income tax return do not agree with the
2 gross receipts reported to the Department of Revenue for the
3 same period, the taxpayer shall attach to his annual return a
4 schedule showing a reconciliation of the 2 amounts and the
5 reasons for the difference. The taxpayer's annual return to the
6 Department shall also disclose the cost of goods sold by the
7 taxpayer during the year covered by such return, opening and
8 closing inventories of such goods for such year, cost of goods
9 used from stock or taken from stock and given away by the
10 taxpayer during such year, pay roll information of the
11 taxpayer's business during such year and any additional
12 reasonable information which the Department deems would be
13 helpful in determining the accuracy of the monthly, quarterly
14 or annual returns filed by such taxpayer as hereinbefore
15 provided for in this Section.

16 If the annual information return required by this Section
17 is not filed when and as required, the taxpayer shall be liable
18 as follows:

19 (i) Until January 1, 1994, the taxpayer shall be liable
20 for a penalty equal to 1/6 of 1% of the tax due from such
21 taxpayer under this Act during the period to be covered by
22 the annual return for each month or fraction of a month
23 until such return is filed as required, the penalty to be
24 assessed and collected in the same manner as any other
25 penalty provided for in this Act.

26 (ii) On and after January 1, 1994, the taxpayer shall

1 be liable for a penalty as described in Section 3-4 of the
2 Uniform Penalty and Interest Act.

3 The chief executive officer, proprietor, owner or highest
4 ranking manager shall sign the annual return to certify the
5 accuracy of the information contained therein. Any person who
6 willfully signs the annual return containing false or
7 inaccurate information shall be guilty of perjury and punished
8 accordingly. The annual return form prescribed by the
9 Department shall include a warning that the person signing the
10 return may be liable for perjury.

11 The foregoing portion of this Section concerning the filing
12 of an annual information return shall not apply to a serviceman
13 who is not required to file an income tax return with the
14 United States Government.

15 As soon as possible after the first day of each month, upon
16 certification of the Department of Revenue, the Comptroller
17 shall order transferred and the Treasurer shall transfer from
18 the General Revenue Fund to the Motor Fuel Tax Fund an amount
19 equal to 1.7% of 80% of the net revenue realized under this Act
20 for the second preceding month. Beginning April 1, 2000, this
21 transfer is no longer required and shall not be made.

22 Net revenue realized for a month shall be the revenue
23 collected by the State pursuant to this Act, less the amount
24 paid out during that month as refunds to taxpayers for
25 overpayment of liability.

26 For greater simplicity of administration, it shall be

1 permissible for manufacturers, importers and wholesalers whose
2 products are sold by numerous servicemen in Illinois, and who
3 wish to do so, to assume the responsibility for accounting and
4 paying to the Department all tax accruing under this Act with
5 respect to such sales, if the servicemen who are affected do
6 not make written objection to the Department to this
7 arrangement.

8 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
9 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; revised 9-9-13.)

10 Section 190. The Retailers' Occupation Tax Act is amended
11 by changing Sections 2-5, 2a, and 3 as follows:

12 (35 ILCS 120/2-5)

13 Sec. 2-5. Exemptions. Gross receipts from proceeds from the
14 sale of the following tangible personal property are exempt
15 from the tax imposed by this Act:

16 (1) Farm chemicals.

17 (2) Farm machinery and equipment, both new and used,
18 including that manufactured on special order, certified by the
19 purchaser to be used primarily for production agriculture or
20 State or federal agricultural programs, including individual
21 replacement parts for the machinery and equipment, including
22 machinery and equipment purchased for lease, and including
23 implements of husbandry defined in Section 1-130 of the
24 Illinois Vehicle Code, farm machinery and agricultural

1 chemical and fertilizer spreaders, and nurse wagons required to
2 be registered under Section 3-809 of the Illinois Vehicle Code,
3 but excluding other motor vehicles required to be registered
4 under the Illinois Vehicle Code. Horticultural polyhouses or
5 hoop houses used for propagating, growing, or overwintering
6 plants shall be considered farm machinery and equipment under
7 this item (2). Agricultural chemical tender tanks and dry boxes
8 shall include units sold separately from a motor vehicle
9 required to be licensed and units sold mounted on a motor
10 vehicle required to be licensed, if the selling price of the
11 tender is separately stated.

12 Farm machinery and equipment shall include precision
13 farming equipment that is installed or purchased to be
14 installed on farm machinery and equipment including, but not
15 limited to, tractors, harvesters, sprayers, planters, seeders,
16 or spreaders. Precision farming equipment includes, but is not
17 limited to, soil testing sensors, computers, monitors,
18 software, global positioning and mapping systems, and other
19 such equipment.

20 Farm machinery and equipment also includes computers,
21 sensors, software, and related equipment used primarily in the
22 computer-assisted operation of production agriculture
23 facilities, equipment, and activities such as, but not limited
24 to, the collection, monitoring, and correlation of animal and
25 crop data for the purpose of formulating animal diets and
26 agricultural chemicals. This item (2) is exempt from the

1 provisions of Section 2-70.

2 (3) Until July 1, 2003, distillation machinery and
3 equipment, sold as a unit or kit, assembled or installed by the
4 retailer, certified by the user to be used only for the
5 production of ethyl alcohol that will be used for consumption
6 as motor fuel or as a component of motor fuel for the personal
7 use of the user, and not subject to sale or resale.

8 (4) Until July 1, 2003 and beginning again September 1,
9 2004 through August 30, 2014, graphic arts machinery and
10 equipment, including repair and replacement parts, both new and
11 used, and including that manufactured on special order or
12 purchased for lease, certified by the purchaser to be used
13 primarily for graphic arts production. Equipment includes
14 chemicals or chemicals acting as catalysts but only if the
15 chemicals or chemicals acting as catalysts effect a direct and
16 immediate change upon a graphic arts product.

17 (5) A motor vehicle that is used for automobile renting, as
18 defined in the Automobile Renting Occupation and Use Tax Act.
19 This paragraph is exempt from the provisions of Section 2-70.

20 (6) Personal property sold by a teacher-sponsored student
21 organization affiliated with an elementary or secondary school
22 located in Illinois.

23 (7) Until July 1, 2003, proceeds of that portion of the
24 selling price of a passenger car the sale of which is subject
25 to the Replacement Vehicle Tax.

26 (8) Personal property sold to an Illinois county fair

1 association for use in conducting, operating, or promoting the
2 county fair.

3 (9) Personal property sold to a not-for-profit arts or
4 cultural organization that establishes, by proof required by
5 the Department by rule, that it has received an exemption under
6 Section 501(c)(3) of the Internal Revenue Code and that is
7 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 the effective date
14 of this amendatory Act of the 92nd General Assembly, however,
15 an entity otherwise eligible for this exemption shall not make
16 tax-free purchases unless it has an active identification
17 number issued by the Department.

18 (10) Personal property sold by a corporation, society,
19 association, foundation, institution, or organization, other
20 than a limited liability company, that is organized and
21 operated as a not-for-profit service enterprise for the benefit
22 of persons 65 years of age or older if the personal property
23 was not purchased by the enterprise for the purpose of resale
24 by the enterprise.

25 (11) Personal property sold to a governmental body, to a
26 corporation, society, association, foundation, or institution

1 organized and operated exclusively for charitable, religious,
2 or educational purposes, or to a not-for-profit corporation,
3 society, association, foundation, institution, or organization
4 that has no compensated officers or employees and that is
5 organized and operated primarily for the recreation of persons
6 55 years of age or older. A limited liability company may
7 qualify for the exemption under this paragraph only if the
8 limited liability company is organized and operated
9 exclusively for educational purposes. On and after July 1,
10 1987, however, no entity otherwise eligible for this exemption
11 shall make tax-free purchases unless it has an active
12 identification number issued by the Department.

13 (12) Tangible personal property sold to interstate
14 carriers for hire for use as rolling stock moving in interstate
15 commerce or to lessors under leases of one year or longer
16 executed or in effect at the time of purchase by interstate
17 carriers for hire for use as rolling stock moving in interstate
18 commerce and equipment operated by a telecommunications
19 provider, licensed as a common carrier by the Federal
20 Communications Commission, which is permanently installed in
21 or affixed to aircraft moving in interstate commerce.

22 (12-5) On and after July 1, 2003 and through June 30, 2004,
23 motor vehicles of the second division with a gross vehicle
24 weight in excess of 8,000 pounds that are subject to the
25 commercial distribution fee imposed under Section 3-815.1 of
26 the Illinois Vehicle Code. Beginning on July 1, 2004 and

1 through June 30, 2005, the use in this State of motor vehicles
2 of the second division: (i) with a gross vehicle weight rating
3 in excess of 8,000 pounds; (ii) that are subject to the
4 commercial distribution fee imposed under Section 3-815.1 of
5 the Illinois Vehicle Code; and (iii) that are primarily used
6 for commercial purposes. Through June 30, 2005, this exemption
7 applies to repair and replacement parts added after the initial
8 purchase of such a motor vehicle if that motor vehicle is used
9 in a manner that would qualify for the rolling stock exemption
10 otherwise provided for in this Act. For purposes of this
11 paragraph, "used for commercial purposes" means the
12 transportation of persons or property in furtherance of any
13 commercial or industrial enterprise whether for-hire or not.

14 (13) Proceeds from sales to owners, lessors, or shippers of
15 tangible personal property that is utilized by interstate
16 carriers for hire for use as rolling stock moving in interstate
17 commerce and equipment operated by a telecommunications
18 provider, licensed as a common carrier by the Federal
19 Communications Commission, which is permanently installed in
20 or affixed to aircraft moving in interstate commerce.

21 (14) Machinery and equipment that will be used by the
22 purchaser, or a lessee of the purchaser, primarily in the
23 process of manufacturing or assembling tangible personal
24 property for wholesale or retail sale or lease, whether the
25 sale or lease is made directly by the manufacturer or by some
26 other person, whether the materials used in the process are

1 owned by the manufacturer or some other person, or whether the
2 sale or lease is made apart from or as an incident to the
3 seller's engaging in the service occupation of producing
4 machines, tools, dies, jigs, patterns, gauges, or other similar
5 items of no commercial value on special order for a particular
6 purchaser. The exemption provided by this paragraph (14) does
7 not include machinery and equipment used in (i) the generation
8 of electricity for wholesale or retail sale; (ii) the
9 generation or treatment of natural or artificial gas for
10 wholesale or retail sale that is delivered to customers through
11 pipes, pipelines, or mains; or (iii) the treatment of water for
12 wholesale or retail sale that is delivered to customers through
13 pipes, pipelines, or mains. The provisions of Public Act 98-583
14 ~~this amendatory Act of the 98th General Assembly~~ are
15 declaratory of existing law as to the meaning and scope of this
16 exemption.

17 (15) Proceeds of mandatory service charges separately
18 stated on customers' bills for purchase and consumption of food
19 and beverages, to the extent that the proceeds of the service
20 charge are in fact turned over as tips or as a substitute for
21 tips to the employees who participate directly in preparing,
22 serving, hosting or cleaning up the food or beverage function
23 with respect to which the service charge is imposed.

24 (16) Petroleum products sold to a purchaser if the seller
25 is prohibited by federal law from charging tax to the
26 purchaser.

1 (17) Tangible personal property sold to a common carrier by
2 rail or motor that receives the physical possession of the
3 property in Illinois and that transports the property, or
4 shares with another common carrier in the transportation of the
5 property, out of Illinois on a standard uniform bill of lading
6 showing the seller of the property as the shipper or consignor
7 of the property to a destination outside Illinois, for use
8 outside Illinois.

9 (18) Legal tender, currency, medallions, or gold or silver
10 coinage issued by the State of Illinois, the government of the
11 United States of America, or the government of any foreign
12 country, and bullion.

13 (19) Until July 1 2003, oil field exploration, drilling,
14 and production equipment, including (i) rigs and parts of rigs,
15 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
16 tubular goods, including casing and drill strings, (iii) pumps
17 and pump-jack units, (iv) storage tanks and flow lines, (v) any
18 individual replacement part for oil field exploration,
19 drilling, and production equipment, and (vi) machinery and
20 equipment purchased for lease; but excluding motor vehicles
21 required to be registered under the Illinois Vehicle Code.

22 (20) Photoprocessing machinery and equipment, including
23 repair and replacement parts, both new and used, including that
24 manufactured on special order, certified by the purchaser to be
25 used primarily for photoprocessing, and including
26 photoprocessing machinery and equipment purchased for lease.

1 (21) Coal and aggregate exploration, mining, off-highway
2 ~~off-highway~~ hauling, processing, maintenance, and reclamation
3 equipment, including replacement parts and equipment, and
4 including equipment purchased for lease, but excluding motor
5 vehicles required to be registered under the Illinois Vehicle
6 Code. The changes made to this Section by Public Act 97-767
7 apply on and after July 1, 2003, but no claim for credit or
8 refund is allowed on or after August 16, 2013 (the effective
9 date of Public Act 98-456) ~~this amendatory Act of the 98th~~
10 ~~General Assembly~~ for such taxes paid during the period
11 beginning July 1, 2003 and ending on August 16, 2013 (the
12 effective date of Public Act 98-456) ~~this amendatory Act of the~~
13 ~~98th General Assembly~~.

14 (22) Until June 30, 2013, fuel and petroleum products sold
15 to or used by an air carrier, certified by the carrier to be
16 used for consumption, shipment, or storage in the conduct of
17 its business as an air common carrier, for a flight destined
18 for or returning from a location or locations outside the
19 United States without regard to previous or subsequent domestic
20 stopovers.

21 Beginning July 1, 2013, fuel and petroleum products sold to
22 or used by an air carrier, certified by the carrier to be used
23 for consumption, shipment, or storage in the conduct of its
24 business as an air common carrier, for a flight that (i) is
25 engaged in foreign trade or is engaged in trade between the
26 United States and any of its possessions and (ii) transports at

1 least one individual or package for hire from the city of
2 origination to the city of final destination on the same
3 aircraft, without regard to a change in the flight number of
4 that aircraft.

5 (23) A transaction in which the purchase order is received
6 by a florist who is located outside Illinois, but who has a
7 florist located in Illinois deliver the property to the
8 purchaser or the purchaser's donee in Illinois.

9 (24) Fuel consumed or used in the operation of ships,
10 barges, or vessels that are used primarily in or for the
11 transportation of property or the conveyance of persons for
12 hire on rivers bordering on this State if the fuel is delivered
13 by the seller to the purchaser's barge, ship, or vessel while
14 it is afloat upon that bordering river.

15 (25) Except as provided in item (25-5) of this Section, a
16 motor vehicle sold in this State to a nonresident even though
17 the motor vehicle is delivered to the nonresident in this
18 State, if the motor vehicle is not to be titled in this State,
19 and if a drive-away permit is issued to the motor vehicle as
20 provided in Section 3-603 of the Illinois Vehicle Code or if
21 the nonresident purchaser has vehicle registration plates to
22 transfer to the motor vehicle upon returning to his or her home
23 state. The issuance of the drive-away permit or having the
24 out-of-state registration plates to be transferred is prima
25 facie evidence that the motor vehicle will not be titled in
26 this State.

1 (25-5) The exemption under item (25) does not apply if the
2 state in which the motor vehicle will be titled does not allow
3 a reciprocal exemption for a motor vehicle sold and delivered
4 in that state to an Illinois resident but titled in Illinois.
5 The tax collected under this Act on the sale of a motor vehicle
6 in this State to a resident of another state that does not
7 allow a reciprocal exemption shall be imposed at a rate equal
8 to the state's rate of tax on taxable property in the state in
9 which the purchaser is a resident, except that the tax shall
10 not exceed the tax that would otherwise be imposed under this
11 Act. At the time of the sale, the purchaser shall execute a
12 statement, signed under penalty of perjury, of his or her
13 intent to title the vehicle in the state in which the purchaser
14 is a resident within 30 days after the sale and of the fact of
15 the payment to the State of Illinois of tax in an amount
16 equivalent to the state's rate of tax on taxable property in
17 his or her state of residence and shall submit the statement to
18 the appropriate tax collection agency in his or her state of
19 residence. In addition, the retailer must retain a signed copy
20 of the statement in his or her records. Nothing in this item
21 shall be construed to require the removal of the vehicle from
22 this state following the filing of an intent to title the
23 vehicle in the purchaser's state of residence if the purchaser
24 titles the vehicle in his or her state of residence within 30
25 days after the date of sale. The tax collected under this Act
26 in accordance with this item (25-5) shall be proportionately

1 distributed as if the tax were collected at the 6.25% general
2 rate imposed under this Act.

3 (25-7) Beginning on July 1, 2007, no tax is imposed under
4 this Act on the sale of an aircraft, as defined in Section 3 of
5 the Illinois Aeronautics Act, if all of the following
6 conditions are met:

7 (1) the aircraft leaves this State within 15 days after
8 the later of either the issuance of the final billing for
9 the sale of the aircraft, or the authorized approval for
10 return to service, completion of the maintenance record
11 entry, and completion of the test flight and ground test
12 for inspection, as required by 14 C.F.R. 91.407;

13 (2) the aircraft is not based or registered in this
14 State after the sale of the aircraft; and

15 (3) the seller retains in his or her books and records
16 and provides to the Department a signed and dated
17 certification from the purchaser, on a form prescribed by
18 the Department, certifying that the requirements of this
19 item (25-7) are met. The certificate must also include the
20 name and address of the purchaser, the address of the
21 location where the aircraft is to be titled or registered,
22 the address of the primary physical location of the
23 aircraft, and other information that the Department may
24 reasonably require.

25 For purposes of this item (25-7):

26 "Based in this State" means hangared, stored, or otherwise

1 used, excluding post-sale customizations as defined in this
2 Section, for 10 or more days in each 12-month period
3 immediately following the date of the sale of the aircraft.

4 "Registered in this State" means an aircraft registered
5 with the Department of Transportation, Aeronautics Division,
6 or titled or registered with the Federal Aviation
7 Administration to an address located in this State.

8 This paragraph (25-7) is exempt from the provisions of
9 Section 2-70.

10 (26) Semen used for artificial insemination of livestock
11 for direct agricultural production.

12 (27) Horses, or interests in horses, registered with and
13 meeting the requirements of any of the Arabian Horse Club
14 Registry of America, Appaloosa Horse Club, American Quarter
15 Horse Association, United States Trotting Association, or
16 Jockey Club, as appropriate, used for purposes of breeding or
17 racing for prizes. This item (27) is exempt from the provisions
18 of Section 2-70, and the exemption provided for under this item
19 (27) applies for all periods beginning May 30, 1995, but no
20 claim for credit or refund is allowed on or after January 1,
21 2008 (the effective date of Public Act 95-88) for such taxes
22 paid during the period beginning May 30, 2000 and ending on
23 January 1, 2008 (the effective date of Public Act 95-88).

24 (28) Computers and communications equipment utilized for
25 any hospital purpose and equipment used in the diagnosis,
26 analysis, or treatment of hospital patients sold to a lessor

1 who leases the equipment, under a lease of one year or longer
2 executed or in effect at the time of the purchase, to a
3 hospital that has been issued an active tax exemption
4 identification number by the Department under Section 1g of
5 this Act.

6 (29) Personal property sold to a lessor who leases the
7 property, under a lease of one year or longer executed or in
8 effect at the time of the purchase, to a governmental body that
9 has been issued an active tax exemption identification number
10 by the Department under Section 1g of this Act.

11 (30) Beginning with taxable years ending on or after
12 December 31, 1995 and ending with taxable years ending on or
13 before December 31, 2004, personal property that is donated for
14 disaster relief to be used in a State or federally declared
15 disaster area in Illinois or bordering Illinois by a
16 manufacturer or retailer that is registered in this State to a
17 corporation, society, association, foundation, or institution
18 that has been issued a sales tax exemption identification
19 number by the Department that assists victims of the disaster
20 who reside within the declared disaster area.

21 (31) Beginning with taxable years ending on or after
22 December 31, 1995 and ending with taxable years ending on or
23 before December 31, 2004, personal property that is used in the
24 performance of infrastructure repairs in this State, including
25 but not limited to municipal roads and streets, access roads,
26 bridges, sidewalks, waste disposal systems, water and sewer

1 line extensions, water distribution and purification
2 facilities, storm water drainage and retention facilities, and
3 sewage treatment facilities, resulting from a State or
4 federally declared disaster in Illinois or bordering Illinois
5 when such repairs are initiated on facilities located in the
6 declared disaster area within 6 months after the disaster.

7 (32) Beginning July 1, 1999, game or game birds sold at a
8 "game breeding and hunting preserve area" as that term is used
9 in the Wildlife Code. This paragraph is exempt from the
10 provisions of Section 2-70.

11 (33) A motor vehicle, as that term is defined in Section
12 1-146 of the Illinois Vehicle Code, that is donated to a
13 corporation, limited liability company, society, association,
14 foundation, or institution that is determined by the Department
15 to be organized and operated exclusively for educational
16 purposes. For purposes of this exemption, "a corporation,
17 limited liability company, society, association, foundation,
18 or institution organized and operated exclusively for
19 educational purposes" means all tax-supported public schools,
20 private schools that offer systematic instruction in useful
21 branches of learning by methods common to public schools and
22 that compare favorably in their scope and intensity with the
23 course of study presented in tax-supported schools, and
24 vocational or technical schools or institutes organized and
25 operated exclusively to provide a course of study of not less
26 than 6 weeks duration and designed to prepare individuals to

1 follow a trade or to pursue a manual, technical, mechanical,
2 industrial, business, or commercial occupation.

3 (34) 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 2-70.

17 (35) 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 other
20 items, and replacement parts for these machines. Beginning
21 January 1, 2002 and through June 30, 2003, machines and parts
22 for machines used in commercial, coin-operated amusement and
23 vending business if a use or occupation tax is paid on the
24 gross receipts derived from the use of the commercial,
25 coin-operated amusement and vending machines. This paragraph
26 is exempt from the provisions of Section 2-70.

1 (35-5) Beginning August 23, 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, soft
4 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 a licensed facility as defined in
12 the ID/DD Community Care Act or the Specialized Mental Health
13 Rehabilitation Act of 2013.

14 (36) Beginning August 2, 2001, computers and
15 communications equipment utilized for any hospital purpose and
16 equipment used in the diagnosis, analysis, or treatment of
17 hospital patients sold to a lessor who leases the equipment,
18 under a lease of one year or longer executed or in effect at
19 the time of the purchase, to a hospital that has been issued an
20 active tax exemption identification number by the Department
21 under Section 1g of this Act. This paragraph is exempt from the
22 provisions of Section 2-70.

23 (37) Beginning August 2, 2001, personal property sold to a
24 lessor who leases the property, under a lease of one year or
25 longer executed or in effect at the time of the purchase, to a
26 governmental body that has been issued an active tax exemption

1 identification number by the Department under Section 1g of
2 this Act. This paragraph is exempt from the provisions of
3 Section 2-70.

4 (38) Beginning on January 1, 2002 and through June 30,
5 2016, tangible personal property purchased from an Illinois
6 retailer by a taxpayer engaged in centralized purchasing
7 activities in Illinois who will, upon receipt of the property
8 in Illinois, temporarily store the property in Illinois (i) for
9 the purpose of subsequently transporting it outside this State
10 for use or consumption thereafter solely outside this State or
11 (ii) for the purpose of being processed, fabricated, or
12 manufactured into, attached to, or incorporated into other
13 tangible personal property to be transported outside this State
14 and thereafter used or consumed solely outside this State. The
15 Director of Revenue shall, pursuant to rules adopted in
16 accordance with the Illinois Administrative Procedure Act,
17 issue a permit to any taxpayer in good standing with the
18 Department who is eligible for the exemption under this
19 paragraph (38). The permit issued under this paragraph (38)
20 shall authorize the holder, to the extent and in the manner
21 specified in the rules adopted under this Act, to purchase
22 tangible personal property from a retailer exempt from the
23 taxes imposed by this Act. Taxpayers shall maintain all
24 necessary books and records to substantiate the use and
25 consumption of all such tangible personal property outside of
26 the State of Illinois.

1 (39) Beginning January 1, 2008, tangible personal property
2 used in the construction or maintenance of a community water
3 supply, as defined under Section 3.145 of the Environmental
4 Protection Act, that is operated by a not-for-profit
5 corporation that holds a valid water supply permit issued under
6 Title IV of the Environmental Protection Act. This paragraph is
7 exempt from the provisions of Section 2-70.

8 (40) Beginning January 1, 2010, materials, parts,
9 equipment, components, and furnishings incorporated into or
10 upon an aircraft as part of the modification, refurbishment,
11 completion, replacement, repair, or maintenance of the
12 aircraft. This exemption includes consumable supplies used in
13 the modification, refurbishment, completion, replacement,
14 repair, and maintenance of aircraft, but excludes any
15 materials, parts, equipment, components, and consumable
16 supplies used in the modification, replacement, repair, and
17 maintenance of aircraft engines or power plants, whether such
18 engines or power plants are installed or uninstalled upon any
19 such aircraft. "Consumable supplies" include, but are not
20 limited to, adhesive, tape, sandpaper, general purpose
21 lubricants, cleaning solution, latex gloves, and protective
22 films. This exemption applies only to the sale of qualifying
23 tangible personal property to persons who modify, refurbish,
24 complete, replace, or maintain an aircraft and who (i) hold an
25 Air Agency Certificate and are empowered to operate an approved
26 repair station by the Federal Aviation Administration, (ii)

1 have a Class IV Rating, and (iii) conduct operations in
2 accordance with Part 145 of the Federal Aviation Regulations.
3 The exemption does not include aircraft operated by a
4 commercial air carrier providing scheduled passenger air
5 service pursuant to authority issued under Part 121 or Part 129
6 of the Federal Aviation Regulations. The changes made to this
7 paragraph (40) by Public Act 98-534 ~~this amendatory Act of the~~
8 ~~98th General Assembly~~ are declarative of existing law.

9 (41) Tangible personal property sold to a
10 public-facilities corporation, as described in Section
11 11-65-10 of the Illinois Municipal Code, for purposes of
12 constructing or furnishing a municipal convention hall, but
13 only if the legal title to the municipal convention hall is
14 transferred to the municipality without any further
15 consideration by or on behalf of the municipality at the time
16 of the completion of the municipal convention hall or upon the
17 retirement or redemption of any bonds or other debt instruments
18 issued by the public-facilities corporation in connection with
19 the development of the municipal convention hall. This
20 exemption includes existing public-facilities corporations as
21 provided in Section 11-65-25 of the Illinois Municipal Code.
22 This paragraph is exempt from the provisions of Section 2-70.

23 (Source: P.A. 97-38, eff. 6-28-11; 97-73, eff. 6-30-11; 97-227,
24 eff. 1-1-12; 97-431, eff. 8-16-11; 97-636, eff. 6-1-12; 97-767,
25 eff. 7-9-12; 98-104, eff. 7-22-13; 98-422, eff. 8-16-13;
26 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; 98-574, eff.

1 1-1-14; 98-583, eff. 1-1-14; revised 9-9-13.)

2 (35 ILCS 120/2a) (from Ch. 120, par. 441a)

3 Sec. 2a. It is unlawful for any person to engage in the
4 business of selling tangible personal property at retail in
5 this State without a certificate of registration from the
6 Department. Application for a certificate of registration
7 shall be made to the Department upon forms furnished by it.
8 Each such application shall be signed and verified and shall
9 state: (1) the name and social security number of the
10 applicant; (2) the address of his principal place of business;
11 (3) the address of the principal place of business from which
12 he engages in the business of selling tangible personal
13 property at retail in this State and the addresses of all other
14 places of business, if any (enumerating such addresses, if any,
15 in a separate list attached to and made a part of the
16 application), from which he engages in the business of selling
17 tangible personal property at retail in this State; (4) the
18 name and address of the person or persons who will be
19 responsible for filing returns and payment of taxes due under
20 this Act; (5) in the case of a publicly traded corporation, the
21 name and title of the Chief Financial Officer, Chief Operating
22 Officer, and any other officer or employee with responsibility
23 for preparing tax returns under this Act, along with the last 4
24 digits of each of their social security numbers, and in the
25 case of all other corporations, the name, title, and social

1 security number of each corporate officer; (6) in the case of a
2 limited liability company, the name, social security number,
3 and FEIN number of each manager and member; and (7) such other
4 information as the Department may reasonably require. The
5 application shall contain an acceptance of responsibility
6 signed by the person or persons who will be responsible for
7 filing returns and payment of the taxes due under this Act. If
8 the applicant will sell tangible personal property at retail
9 through vending machines, his application to register shall
10 indicate the number of vending machines to be so operated. If
11 requested by the Department at any time, that person shall
12 verify the total number of vending machines he or she uses in
13 his or her business of selling tangible personal property at
14 retail.

15 The Department may deny a certificate of registration to
16 any applicant if a person who is named as the owner, a partner,
17 a manager or member of a limited liability company, or a
18 corporate officer of the applicant on the application for the
19 certificate of registration, is or has been named as the owner,
20 a partner, a manager or member of a limited liability company,
21 or a corporate officer, on the application for the certificate
22 of registration of another retailer that is in default for
23 moneys due under this Act or any other tax or fee Act
24 administered by the Department. For purposes of this paragraph
25 only, in determining whether a person is in default for moneys
26 due, the Department shall include only amounts established as a

1 final liability within the 20 years prior to the date of the
2 Department's notice of denial of a certificate of registration.

3 The Department may require an applicant for a certificate
4 of registration hereunder to, at the time of filing such
5 application, furnish a bond from a surety company authorized to
6 do business in the State of Illinois, or an irrevocable bank
7 letter of credit or a bond signed by 2 personal sureties who
8 have filed, with the Department, sworn statements disclosing
9 net assets equal to at least 3 times the amount of the bond to
10 be required of such applicant, or a bond secured by an
11 assignment of a bank account or certificate of deposit, stocks
12 or bonds, conditioned upon the applicant paying to the State of
13 Illinois all moneys becoming due under this Act and under any
14 other State tax law or municipal or county tax ordinance or
15 resolution under which the certificate of registration that is
16 issued to the applicant under this Act will permit the
17 applicant to engage in business without registering separately
18 under such other law, ordinance or resolution. In making a
19 determination as to whether to require a bond or other
20 security, the Department shall take into consideration whether
21 the owner, any partner, any manager or member of a limited
22 liability company, or a corporate officer of the applicant is
23 or has been the owner, a partner, a manager or member of a
24 limited liability company, or a corporate officer of another
25 retailer that is in default for moneys due under this Act or
26 any other tax or fee Act administered by the Department; and

1 whether the owner, any partner, any manager or member of a
2 limited liability company, or a corporate officer of the
3 applicant is or has been the owner, a partner, a manager or
4 member of a limited liability company, or a corporate officer
5 of another retailer whose certificate of registration has been
6 revoked within the previous 5 years under this Act or any other
7 tax or fee Act administered by the Department. If a bond or
8 other security is required, the Department shall fix the amount
9 of the bond or other security, taking into consideration the
10 amount of money expected to become due from the applicant under
11 this Act and under any other State tax law or municipal or
12 county tax ordinance or resolution under which the certificate
13 of registration that is issued to the applicant under this Act
14 will permit the applicant to engage in business without
15 registering separately under such other law, ordinance, or
16 resolution. The amount of security required by the Department
17 shall be such as, in its opinion, will protect the State of
18 Illinois against failure to pay the amount which may become due
19 from the applicant under this Act and under any other State tax
20 law or municipal or county tax ordinance or resolution under
21 which the certificate of registration that is issued to the
22 applicant under this Act will permit the applicant to engage in
23 business without registering separately under such other law,
24 ordinance or resolution, but the amount of the security
25 required by the Department shall not exceed three times the
26 amount of the applicant's average monthly tax liability, or

1 \$50,000.00, whichever amount is lower.

2 No certificate of registration under this Act shall be
3 issued by the Department until the applicant provides the
4 Department with satisfactory security, if required, as herein
5 provided for.

6 Upon receipt of the application for certificate of
7 registration in proper form, and upon approval by the
8 Department of the security furnished by the applicant, if
9 required, the Department shall issue to such applicant a
10 certificate of registration which shall permit the person to
11 whom it is issued to engage in the business of selling tangible
12 personal property at retail in this State. The certificate of
13 registration shall be conspicuously displayed at the place of
14 business which the person so registered states in his
15 application to be the principal place of business from which he
16 engages in the business of selling tangible personal property
17 at retail in this State.

18 No certificate of registration issued to a taxpayer who
19 files returns required by this Act on a monthly basis shall be
20 valid after the expiration of 5 years from the date of its
21 issuance or last renewal. The expiration date of a
22 sub-certificate of registration shall be that of the
23 certificate of registration to which the sub-certificate
24 relates. A certificate of registration shall automatically be
25 renewed, subject to revocation as provided by this Act, for an
26 additional 5 years from the date of its expiration unless

1 otherwise notified by the Department as provided by this
2 paragraph. Where a taxpayer to whom a certificate of
3 registration is issued under this Act is in default to the
4 State of Illinois for delinquent returns or for moneys due
5 under this Act or any other State tax law or municipal or
6 county ordinance administered or enforced by the Department,
7 the Department shall, not less than 120 days before the
8 expiration date of such certificate of registration, give
9 notice to the taxpayer to whom the certificate was issued of
10 the account period of the delinquent returns, the amount of
11 tax, penalty and interest due and owing from the taxpayer, and
12 that the certificate of registration shall not be automatically
13 renewed upon its expiration date unless the taxpayer, on or
14 before the date of expiration, has filed and paid the
15 delinquent returns or paid the defaulted amount in full. A
16 taxpayer to whom such a notice is issued shall be deemed an
17 applicant for renewal. The Department shall promulgate
18 regulations establishing procedures for taxpayers who file
19 returns on a monthly basis but desire and qualify to change to
20 a quarterly or yearly filing basis and will no longer be
21 subject to renewal under this Section, and for taxpayers who
22 file returns on a yearly or quarterly basis but who desire or
23 are required to change to a monthly filing basis and will be
24 subject to renewal under this Section.

25 The Department may in its discretion approve renewal by an
26 applicant who is in default if, at the time of application for

1 renewal, the applicant files all of the delinquent returns or
2 pays to the Department such percentage of the defaulted amount
3 as may be determined by the Department and agrees in writing to
4 waive all limitations upon the Department for collection of the
5 remaining defaulted amount to the Department over a period not
6 to exceed 5 years from the date of renewal of the certificate;
7 however, no renewal application submitted by an applicant who
8 is in default shall be approved if the immediately preceding
9 renewal by the applicant was conditioned upon the installment
10 payment agreement described in this Section. The payment
11 agreement herein provided for shall be in addition to and not
12 in lieu of the security that may be required by this Section of
13 a taxpayer who is no longer considered a prior continuous
14 compliance taxpayer. The execution of the payment agreement as
15 provided in this Act shall not toll the accrual of interest at
16 the statutory rate.

17 The Department may suspend a certificate of registration if
18 the Department finds that the person to whom the certificate of
19 registration has been issued knowingly sold contraband
20 cigarettes.

21 A certificate of registration issued under this Act more
22 than 5 years before the effective date of this amendatory Act
23 of 1989 shall expire and be subject to the renewal provisions
24 of this Section on the next anniversary of the date of issuance
25 of such certificate which occurs more than 6 months after the
26 effective date of this amendatory Act of 1989. A certificate of

1 registration issued less than 5 years before the effective date
2 of this amendatory Act of 1989 shall expire and be subject to
3 the renewal provisions of this Section on the 5th anniversary
4 of the issuance of the certificate.

5 If the person so registered states that he operates other
6 places of business from which he engages in the business of
7 selling tangible personal property at retail in this State, the
8 Department shall furnish him with a sub-certificate of
9 registration for each such place of business, and the applicant
10 shall display the appropriate sub-certificate of registration
11 at each such place of business. All sub-certificates of
12 registration shall bear the same registration number as that
13 appearing upon the certificate of registration to which such
14 sub-certificates relate.

15 If the applicant will sell tangible personal property at
16 retail through vending machines, the Department shall furnish
17 him with a sub-certificate of registration for each such
18 vending machine, and the applicant shall display the
19 appropriate sub-certificate of registration on each such
20 vending machine by attaching the sub-certificate of
21 registration to a conspicuous part of such vending machine. If
22 a person who is registered to sell tangible personal property
23 at retail through vending machines adds an additional vending
24 machine or additional vending machines to the number of vending
25 machines he or she uses in his or her business of selling
26 tangible personal property at retail, he or she shall notify

1 the Department, on a form prescribed by the Department, to
2 request an additional sub-certificate or additional
3 sub-certificates of registration, as applicable. With each
4 such request, the applicant shall report the number of
5 sub-certificates of registration he or she is requesting as
6 well as the total number of vending machines from which he or
7 she makes retail sales.

8 Where the same person engages in 2 or more businesses of
9 selling tangible personal property at retail in this State,
10 which businesses are substantially different in character or
11 engaged in under different trade names or engaged in under
12 other substantially dissimilar circumstances (so that it is
13 more practicable, from an accounting, auditing or bookkeeping
14 standpoint, for such businesses to be separately registered),
15 the Department may require or permit such person (subject to
16 the same requirements concerning the furnishing of security as
17 those that are provided for hereinbefore in this Section as to
18 each application for a certificate of registration) to apply
19 for and obtain a separate certificate of registration for each
20 such business or for any of such businesses, under a single
21 certificate of registration supplemented by related
22 sub-certificates of registration.

23 Any person who is registered under the "Retailers'
24 Occupation Tax Act" as of March 8, 1963, and who, during the
25 3-year period immediately prior to March 8, 1963, or during a
26 continuous 3-year period part of which passed immediately

1 before and the remainder of which passes immediately after
2 March 8, 1963, has been so registered continuously and who is
3 determined by the Department not to have been either delinquent
4 or deficient in the payment of tax liability during that period
5 under this Act or under any other State tax law or municipal or
6 county tax ordinance or resolution under which the certificate
7 of registration that is issued to the registrant under this Act
8 will permit the registrant to engage in business without
9 registering separately under such other law, ordinance or
10 resolution, shall be considered to be a Prior Continuous
11 Compliance taxpayer. Also any taxpayer who has, as verified by
12 the Department, faithfully and continuously complied with the
13 condition of his bond or other security under the provisions of
14 this Act for a period of 3 consecutive years shall be
15 considered to be a Prior Continuous Compliance taxpayer.

16 Every Prior Continuous Compliance taxpayer shall be exempt
17 from all requirements under this Act concerning the furnishing
18 of a bond or other security as a condition precedent to his
19 being authorized to engage in the business of selling tangible
20 personal property at retail in this State. This exemption shall
21 continue for each such taxpayer until such time as he may be
22 determined by the Department to be delinquent in the filing of
23 any returns, or is determined by the Department (either through
24 the Department's issuance of a final assessment which has
25 become final under the Act, or by the taxpayer's filing of a
26 return which admits tax that is not paid to be due) to be

1 delinquent or deficient in the paying of any tax under this Act
2 or under any other State tax law or municipal or county tax
3 ordinance or resolution under which the certificate of
4 registration that is issued to the registrant under this Act
5 will permit the registrant to engage in business without
6 registering separately under such other law, ordinance or
7 resolution, at which time that taxpayer shall become subject to
8 all the financial responsibility requirements of this Act and,
9 as a condition of being allowed to continue to engage in the
10 business of selling tangible personal property at retail, may
11 be required to post bond or other acceptable security with the
12 Department covering liability which such taxpayer may
13 thereafter incur. Any taxpayer who fails to pay an admitted or
14 established liability under this Act may also be required to
15 post bond or other acceptable security with this Department
16 guaranteeing the payment of such admitted or established
17 liability.

18 No certificate of registration shall be issued to any
19 person who is in default to the State of Illinois for moneys
20 due under this Act or under any other State tax law or
21 municipal or county tax ordinance or resolution under which the
22 certificate of registration that is issued to the applicant
23 under this Act will permit the applicant to engage in business
24 without registering separately under such other law, ordinance
25 or resolution.

26 Any person aggrieved by any decision of the Department

1 under this Section may, within 20 days after notice of such
2 decision, protest and request a hearing, whereupon the
3 Department shall give notice to such person of the time and
4 place fixed for such hearing and shall hold a hearing in
5 conformity with the provisions of this Act and then issue its
6 final administrative decision in the matter to such person. In
7 the absence of such a protest within 20 days, the Department's
8 decision shall become final without any further determination
9 being made or notice given.

10 With respect to security other than bonds (upon which the
11 Department may sue in the event of a forfeiture), if the
12 taxpayer fails to pay, when due, any amount whose payment such
13 security guarantees, the Department shall, after such
14 liability is admitted by the taxpayer or established by the
15 Department through the issuance of a final assessment that has
16 become final under the law, convert the security which that
17 taxpayer has furnished into money for the State, after first
18 giving the taxpayer at least 10 days' written notice, by
19 registered or certified mail, to pay the liability or forfeit
20 such security to the Department. If the security consists of
21 stocks or bonds or other securities which are listed on a
22 public exchange, the Department shall sell such securities
23 through such public exchange. If the security consists of an
24 irrevocable bank letter of credit, the Department shall convert
25 the security in the manner provided for in the Uniform
26 Commercial Code. If the security consists of a bank certificate

1 of deposit, the Department shall convert the security into
2 money by demanding and collecting the amount of such bank
3 certificate of deposit from the bank which issued such
4 certificate. If the security consists of a type of stocks or
5 other securities which are not listed on a public exchange, the
6 Department shall sell such security to the highest and best
7 bidder after giving at least 10 days' notice of the date, time
8 and place of the intended sale by publication in the "State
9 Official Newspaper". If the Department realizes more than the
10 amount of such liability from the security, plus the expenses
11 incurred by the Department in converting the security into
12 money, the Department shall pay such excess to the taxpayer who
13 furnished such security, and the balance shall be paid into the
14 State Treasury.

15 The Department shall discharge any surety and shall release
16 and return any security deposited, assigned, pledged or
17 otherwise provided to it by a taxpayer under this Section
18 within 30 days after:

19 (1) such taxpayer becomes a Prior Continuous
20 Compliance taxpayer; or

21 (2) such taxpayer has ceased to collect receipts on
22 which he is required to remit tax to the Department, has
23 filed a final tax return, and has paid to the Department an
24 amount sufficient to discharge his remaining tax
25 liability, as determined by the Department, under this Act
26 and under every other State tax law or municipal or county

1 tax ordinance or resolution under which the certificate of
2 registration issued under this Act permits the registrant
3 to engage in business without registering separately under
4 such other law, ordinance or resolution. The Department
5 shall make a final determination of the taxpayer's
6 outstanding tax liability as expeditiously as possible
7 after his final tax return has been filed; if the
8 Department cannot make such final determination within 45
9 days after receiving the final tax return, within such
10 period it shall so notify the taxpayer, stating its reasons
11 therefor.

12 (Source: P.A. 97-335, eff. 1-1-12; 98-496, eff. 1-1-14; 98-583,
13 eff. 1-1-14; revised 9-9-13.)

14 (35 ILCS 120/3) (from Ch. 120, par. 442)

15 Sec. 3. Except as provided in this Section, on or before
16 the twentieth day of each calendar month, every person engaged
17 in the business of selling tangible personal property at retail
18 in this State during the preceding calendar month shall file a
19 return with the Department, stating:

20 1. The name of the seller;

21 2. His residence address and the address of his
22 principal place of business and the address of the
23 principal place of business (if that is a different
24 address) from which he engages in the business of selling
25 tangible personal property at retail in this State;

1 3. Total amount of receipts received by him during the
2 preceding calendar month or quarter, as the case may be,
3 from sales of tangible personal property, and from services
4 furnished, by him during such preceding calendar month or
5 quarter;

6 4. Total amount received by him during the preceding
7 calendar month or quarter on charge and time sales of
8 tangible personal property, and from services furnished,
9 by him prior to the month or quarter for which the return
10 is filed;

11 5. Deductions allowed by law;

12 6. Gross receipts which were received by him during the
13 preceding calendar month or quarter and upon the basis of
14 which the tax is imposed;

15 7. The amount of credit provided in Section 2d of this
16 Act;

17 8. The amount of tax due;

18 9. The signature of the taxpayer; and

19 10. Such other reasonable information as the
20 Department may require.

21 If a taxpayer fails to sign a return within 30 days after
22 the proper notice and demand for signature by the Department,
23 the return shall be considered valid and any amount shown to be
24 due on the return shall be deemed assessed.

25 Each return shall be accompanied by the statement of
26 prepaid tax issued pursuant to Section 2e for which credit is

1 claimed.

2 Prior to October 1, 2003, and on and after September 1,
3 2004 a retailer may accept a Manufacturer's Purchase Credit
4 certification from a purchaser in satisfaction of Use Tax as
5 provided in Section 3-85 of the Use Tax Act if the purchaser
6 provides the appropriate documentation as required by Section
7 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
8 certification, accepted by a retailer prior to October 1, 2003
9 and on and after September 1, 2004 as provided in Section 3-85
10 of the Use Tax Act, may be used by that retailer to satisfy
11 Retailers' Occupation Tax liability in the amount claimed in
12 the certification, not to exceed 6.25% of the receipts subject
13 to tax from a qualifying purchase. A Manufacturer's Purchase
14 Credit reported on any original or amended return filed under
15 this Act after October 20, 2003 for reporting periods prior to
16 September 1, 2004 shall be disallowed. Manufacturer's
17 Purchaser Credit reported on annual returns due on or after
18 January 1, 2005 will be disallowed for periods prior to
19 September 1, 2004. No Manufacturer's Purchase Credit may be
20 used after September 30, 2003 through August 31, 2004 to
21 satisfy any tax liability imposed under this Act, including any
22 audit liability.

23 The Department may require returns to be filed on a
24 quarterly basis. If so required, a return for each calendar
25 quarter shall be filed on or before the twentieth day of the
26 calendar month following the end of such calendar quarter. The

1 taxpayer shall also file a return with the Department for each
2 of the first two months of each calendar quarter, on or before
3 the twentieth day of the following calendar month, stating:

4 1. The name of the seller;

5 2. The address of the principal place of business from
6 which he engages in the business of selling tangible
7 personal property at retail in this State;

8 3. The total amount of taxable receipts received by him
9 during the preceding calendar month from sales of tangible
10 personal property by him during such preceding calendar
11 month, including receipts from charge and time sales, but
12 less all deductions allowed by law;

13 4. The amount of credit provided in Section 2d of this
14 Act;

15 5. The amount of tax due; and

16 6. Such other reasonable information as the Department
17 may require.

18 Beginning on October 1, 2003, any person who is not a
19 licensed distributor, importing distributor, or manufacturer,
20 as defined in the Liquor Control Act of 1934, but is engaged in
21 the business of selling, at retail, alcoholic liquor shall file
22 a statement with the Department of Revenue, in a format and at
23 a time prescribed by the Department, showing the total amount
24 paid for alcoholic liquor purchased during the preceding month
25 and such other information as is reasonably required by the
26 Department. The Department may adopt rules to require that this

1 statement be filed in an electronic or telephonic format. Such
2 rules may provide for exceptions from the filing requirements
3 of this paragraph. For the purposes of this paragraph, the term
4 "alcoholic liquor" shall have the meaning prescribed in the
5 Liquor Control Act of 1934.

6 Beginning on October 1, 2003, every distributor, importing
7 distributor, and manufacturer of alcoholic liquor as defined in
8 the Liquor Control Act of 1934, shall file a statement with the
9 Department of Revenue, no later than the 10th day of the month
10 for the preceding month during which transactions occurred, by
11 electronic means, showing the total amount of gross receipts
12 from the sale of alcoholic liquor sold or distributed during
13 the preceding month to purchasers; identifying the purchaser to
14 whom it was sold or distributed; the purchaser's tax
15 registration number; and such other information reasonably
16 required by the Department. A distributor, importing
17 distributor, or manufacturer of alcoholic liquor must
18 personally deliver, mail, or provide by electronic means to
19 each retailer listed on the monthly statement a report
20 containing a cumulative total of that distributor's, importing
21 distributor's, or manufacturer's total sales of alcoholic
22 liquor to that retailer no later than the 10th day of the month
23 for the preceding month during which the transaction occurred.
24 The distributor, importing distributor, or manufacturer shall
25 notify the retailer as to the method by which the distributor,
26 importing distributor, or manufacturer will provide the sales

1 information. If the retailer is unable to receive the sales
2 information by electronic means, the distributor, importing
3 distributor, or manufacturer shall furnish the sales
4 information by personal delivery or by mail. For purposes of
5 this paragraph, the term "electronic means" includes, but is
6 not limited to, the use of a secure Internet website, e-mail,
7 or facsimile.

8 If a total amount of less than \$1 is payable, refundable or
9 creditable, such amount shall be disregarded if it is less than
10 50 cents and shall be increased to \$1 if it is 50 cents or more.

11 Beginning October 1, 1993, a taxpayer who has an average
12 monthly tax liability of \$150,000 or more shall make all
13 payments required by rules of the Department by electronic
14 funds transfer. Beginning October 1, 1994, a taxpayer who has
15 an average monthly tax liability of \$100,000 or more shall make
16 all payments required by rules of the Department by electronic
17 funds transfer. Beginning October 1, 1995, a taxpayer who has
18 an average monthly tax liability of \$50,000 or more shall make
19 all payments required by rules of the Department by electronic
20 funds transfer. Beginning October 1, 2000, a taxpayer who has
21 an annual tax liability of \$200,000 or more shall make all
22 payments required by rules of the Department by electronic
23 funds transfer. The term "annual tax liability" shall be the
24 sum of the taxpayer's liabilities under this Act, and under all
25 other State and local occupation and use tax laws administered
26 by the Department, for the immediately preceding calendar year.

1 The term "average monthly tax liability" shall be the sum of
2 the taxpayer's liabilities under this Act, and under all other
3 State and local occupation and use tax laws administered by the
4 Department, for the immediately preceding calendar year
5 divided by 12. Beginning on October 1, 2002, a taxpayer who has
6 a tax liability in the amount set forth in subsection (b) of
7 Section 2505-210 of the Department of Revenue Law shall make
8 all payments required by rules of the Department by electronic
9 funds transfer.

10 Before August 1 of each year beginning in 1993, the
11 Department shall notify all taxpayers required to make payments
12 by electronic funds transfer. All taxpayers required to make
13 payments by electronic funds transfer shall make those payments
14 for a minimum of one year beginning on October 1.

15 Any taxpayer not required to make payments by electronic
16 funds transfer may make payments by electronic funds transfer
17 with the permission of the Department.

18 All taxpayers required to make payment by electronic funds
19 transfer and any taxpayers authorized to voluntarily make
20 payments by electronic funds transfer shall make those payments
21 in the manner authorized by the Department.

22 The Department shall adopt such rules as are necessary to
23 effectuate a program of electronic funds transfer and the
24 requirements of this Section.

25 Any amount which is required to be shown or reported on any
26 return or other document under this Act shall, if such amount

1 is not a whole-dollar amount, be increased to the nearest
2 whole-dollar amount in any case where the fractional part of a
3 dollar is 50 cents or more, and decreased to the nearest
4 whole-dollar amount where the fractional part of a dollar is
5 less than 50 cents.

6 If the retailer is otherwise required to file a monthly
7 return and if the retailer's average monthly tax liability to
8 the Department does not exceed \$200, the Department may
9 authorize his returns to be filed on a quarter annual basis,
10 with the return for January, February and March of a given year
11 being due by April 20 of such year; with the return for April,
12 May and June of a given year being due by July 20 of such year;
13 with the return for July, August and September of a given year
14 being due by October 20 of such year, and with the return for
15 October, November and December of a given year being due by
16 January 20 of the following year.

17 If the retailer is otherwise required to file a monthly or
18 quarterly return and if the retailer's average monthly tax
19 liability with the Department does not exceed \$50, the
20 Department may authorize his returns to be filed on an annual
21 basis, with the return for a given year being due by January 20
22 of the following year.

23 Such quarter annual and annual returns, as to form and
24 substance, shall be subject to the same requirements as monthly
25 returns.

26 Notwithstanding any other provision in this Act concerning

1 the time within which a retailer may file his return, in the
2 case of any retailer who ceases to engage in a kind of business
3 which makes him responsible for filing returns under this Act,
4 such retailer shall file a final return under this Act with the
5 Department not more than one month after discontinuing such
6 business.

7 Where the same person has more than one business registered
8 with the Department under separate registrations under this
9 Act, such person may not file each return that is due as a
10 single return covering all such registered businesses, but
11 shall file separate returns for each such registered business.

12 In addition, with respect to motor vehicles, watercraft,
13 aircraft, and trailers that are required to be registered with
14 an agency of this State, every retailer selling this kind of
15 tangible personal property shall file, with the Department,
16 upon a form to be prescribed and supplied by the Department, a
17 separate return for each such item of tangible personal
18 property which the retailer sells, except that if, in the same
19 transaction, (i) a retailer of aircraft, watercraft, motor
20 vehicles or trailers transfers more than one aircraft,
21 watercraft, motor vehicle or trailer to another aircraft,
22 watercraft, motor vehicle retailer or trailer retailer for the
23 purpose of resale or (ii) a retailer of aircraft, watercraft,
24 motor vehicles, or trailers transfers more than one aircraft,
25 watercraft, motor vehicle, or trailer to a purchaser for use as
26 a qualifying rolling stock as provided in Section 2-5 of this

1 Act, then that seller may report the transfer of all aircraft,
2 watercraft, motor vehicles or trailers involved in that
3 transaction to the Department on the same uniform
4 invoice-transaction reporting return form. For purposes of
5 this Section, "watercraft" means a Class 2, Class 3, or Class 4
6 watercraft as defined in Section 3-2 of the Boat Registration
7 and Safety Act, a personal watercraft, or any boat equipped
8 with an inboard motor.

9 Any retailer who sells only motor vehicles, watercraft,
10 aircraft, or trailers that are required to be registered with
11 an agency of this State, so that all retailers' occupation tax
12 liability is required to be reported, and is reported, on such
13 transaction reporting returns and who is not otherwise required
14 to file monthly or quarterly returns, need not file monthly or
15 quarterly returns. However, those retailers shall be required
16 to file returns on an annual basis.

17 The transaction reporting return, in the case of motor
18 vehicles or trailers that are required to be registered with an
19 agency of this State, shall be the same document as the Uniform
20 Invoice referred to in Section 5-402 of The Illinois Vehicle
21 Code and must show the name and address of the seller; the name
22 and address of the purchaser; the amount of the selling price
23 including the amount allowed by the retailer for traded-in
24 property, if any; the amount allowed by the retailer for the
25 traded-in tangible personal property, if any, to the extent to
26 which Section 1 of this Act allows an exemption for the value

1 of traded-in property; the balance payable after deducting such
2 trade-in allowance from the total selling price; the amount of
3 tax due from the retailer with respect to such transaction; the
4 amount of tax collected from the purchaser by the retailer on
5 such transaction (or satisfactory evidence that such tax is not
6 due in that particular instance, if that is claimed to be the
7 fact); the place and date of the sale; a sufficient
8 identification of the property sold; such other information as
9 is required in Section 5-402 of The Illinois Vehicle Code, and
10 such other information as the Department may reasonably
11 require.

12 The transaction reporting return in the case of watercraft
13 or aircraft must show the name and address of the seller; the
14 name and address of the purchaser; the amount of the selling
15 price including the amount allowed by the retailer for
16 traded-in property, if any; the amount allowed by the retailer
17 for the traded-in tangible personal property, if any, to the
18 extent to which Section 1 of this Act allows an exemption for
19 the value of traded-in property; the balance payable after
20 deducting such trade-in allowance from the total selling price;
21 the amount of tax due from the retailer with respect to such
22 transaction; the amount of tax collected from the purchaser by
23 the retailer on such transaction (or satisfactory evidence that
24 such tax is not due in that particular instance, if that is
25 claimed to be the fact); the place and date of the sale, a
26 sufficient identification of the property sold, and such other

1 information as the Department may reasonably require.

2 Such transaction reporting return shall be filed not later
3 than 20 days after the day of delivery of the item that is
4 being sold, but may be filed by the retailer at any time sooner
5 than that if he chooses to do so. The transaction reporting
6 return and tax remittance or proof of exemption from the
7 Illinois use tax may be transmitted to the Department by way of
8 the State agency with which, or State officer with whom the
9 tangible personal property must be titled or registered (if
10 titling or registration is required) if the Department and such
11 agency or State officer determine that this procedure will
12 expedite the processing of applications for title or
13 registration.

14 With each such transaction reporting return, the retailer
15 shall remit the proper amount of tax due (or shall submit
16 satisfactory evidence that the sale is not taxable if that is
17 the case), to the Department or its agents, whereupon the
18 Department shall issue, in the purchaser's name, a use tax
19 receipt (or a certificate of exemption if the Department is
20 satisfied that the particular sale is tax exempt) which such
21 purchaser may submit to the agency with which, or State officer
22 with whom, he must title or register the tangible personal
23 property that is involved (if titling or registration is
24 required) in support of such purchaser's application for an
25 Illinois certificate or other evidence of title or registration
26 to such tangible personal property.

1 No retailer's failure or refusal to remit tax under this
2 Act precludes a user, who has paid the proper tax to the
3 retailer, from obtaining his certificate of title or other
4 evidence of title or registration (if titling or registration
5 is required) upon satisfying the Department that such user has
6 paid the proper tax (if tax is due) to the retailer. The
7 Department shall adopt appropriate rules to carry out the
8 mandate of this paragraph.

9 If the user who would otherwise pay tax to the retailer
10 wants the transaction reporting return filed and the payment of
11 the tax or proof of exemption made to the Department before the
12 retailer is willing to take these actions and such user has not
13 paid the tax to the retailer, such user may certify to the fact
14 of such delay by the retailer and may (upon the Department
15 being satisfied of the truth of such certification) transmit
16 the information required by the transaction reporting return
17 and the remittance for tax or proof of exemption directly to
18 the Department and obtain his tax receipt or exemption
19 determination, in which event the transaction reporting return
20 and tax remittance (if a tax payment was required) shall be
21 credited by the Department to the proper retailer's account
22 with the Department, but without the 2.1% or 1.75% discount
23 provided for in this Section being allowed. When the user pays
24 the tax directly to the Department, he shall pay the tax in the
25 same amount and in the same form in which it would be remitted
26 if the tax had been remitted to the Department by the retailer.

1 Refunds made by the seller during the preceding return
2 period to purchasers, on account of tangible personal property
3 returned to the seller, shall be allowed as a deduction under
4 subdivision 5 of his monthly or quarterly return, as the case
5 may be, in case the seller had theretofore included the
6 receipts from the sale of such tangible personal property in a
7 return filed by him and had paid the tax imposed by this Act
8 with respect to such receipts.

9 Where the seller is a corporation, the return filed on
10 behalf of such corporation shall be signed by the president,
11 vice-president, secretary or treasurer or by the properly
12 accredited agent of such corporation.

13 Where the seller is a limited liability company, the return
14 filed on behalf of the limited liability company shall be
15 signed by a manager, member, or properly accredited agent of
16 the limited liability company.

17 Except as provided in this Section, the retailer filing the
18 return under this Section shall, at the time of filing such
19 return, pay to the Department the amount of tax imposed by this
20 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
21 on and after January 1, 1990, or \$5 per calendar year,
22 whichever is greater, which is allowed to reimburse the
23 retailer for the expenses incurred in keeping records,
24 preparing and filing returns, remitting the tax and supplying
25 data to the Department on request. Any prepayment made pursuant
26 to Section 2d of this Act shall be included in the amount on

1 which such 2.1% or 1.75% discount is computed. In the case of
2 retailers who report and pay the tax on a transaction by
3 transaction basis, as provided in this Section, such discount
4 shall be taken with each such tax remittance instead of when
5 such retailer files his periodic return. The Department may
6 disallow the discount for retailers whose certificate of
7 registration is revoked at the time the return is filed, but
8 only if the Department's decision to revoke the certificate of
9 registration has become final.

10 Before October 1, 2000, if the taxpayer's average monthly
11 tax liability to the Department under this Act, the Use Tax
12 Act, the Service Occupation Tax Act, and the Service Use Tax
13 Act, excluding any liability for prepaid sales tax to be
14 remitted in accordance with Section 2d of this Act, was \$10,000
15 or more during the preceding 4 complete calendar quarters, he
16 shall file a return with the Department each month by the 20th
17 day of the month next following the month during which such tax
18 liability is incurred and shall make payments to the Department
19 on or before the 7th, 15th, 22nd and last day of the month
20 during which such liability is incurred. On and after October
21 1, 2000, if the taxpayer's average monthly tax liability to the
22 Department under this Act, the Use Tax Act, the Service
23 Occupation Tax Act, and the Service Use Tax Act, excluding any
24 liability for prepaid sales tax to be remitted in accordance
25 with Section 2d of this Act, was \$20,000 or more during the
26 preceding 4 complete calendar quarters, he shall file a return

1 with the Department each month by the 20th day of the month
2 next following the month during which such tax liability is
3 incurred and shall make payment to the Department on or before
4 the 7th, 15th, 22nd and last day of the month during which such
5 liability is incurred. If the month during which such tax
6 liability is incurred began prior to January 1, 1985, each
7 payment shall be in an amount equal to 1/4 of the taxpayer's
8 actual liability for the month or an amount set by the
9 Department not to exceed 1/4 of the average monthly liability
10 of the taxpayer to the Department for the preceding 4 complete
11 calendar quarters (excluding the month of highest liability and
12 the month of lowest liability in such 4 quarter period). If the
13 month during which such tax liability is incurred begins on or
14 after January 1, 1985 and prior to January 1, 1987, each
15 payment shall be in an amount equal to 22.5% of the taxpayer's
16 actual liability for the month or 27.5% of the taxpayer's
17 liability for the same calendar month of the preceding year. If
18 the month during which such tax liability is incurred begins on
19 or after January 1, 1987 and prior to January 1, 1988, each
20 payment shall be in an amount equal to 22.5% of the taxpayer's
21 actual liability for the month or 26.25% of the taxpayer's
22 liability for the same calendar month of the preceding year. If
23 the month during which such tax liability is incurred begins on
24 or after January 1, 1988, and prior to January 1, 1989, or
25 begins on or after January 1, 1996, each payment shall be in an
26 amount equal to 22.5% of the taxpayer's actual liability for

1 the month or 25% of the taxpayer's liability for the same
2 calendar month of the preceding year. If the month during which
3 such tax liability is incurred begins on or after January 1,
4 1989, and prior to January 1, 1996, each payment shall be in an
5 amount equal to 22.5% of the taxpayer's actual liability for
6 the month or 25% of the taxpayer's liability for the same
7 calendar month of the preceding year or 100% of the taxpayer's
8 actual liability for the quarter monthly reporting period. The
9 amount of such quarter monthly payments shall be credited
10 against the final tax liability of the taxpayer's return for
11 that month. Before October 1, 2000, once applicable, the
12 requirement of the making of quarter monthly payments to the
13 Department by taxpayers having an average monthly tax liability
14 of \$10,000 or more as determined in the manner provided above
15 shall continue until such taxpayer's average monthly liability
16 to the Department during the preceding 4 complete calendar
17 quarters (excluding the month of highest liability and the
18 month of lowest liability) is less than \$9,000, or until such
19 taxpayer's average monthly liability to the Department as
20 computed for each calendar quarter of the 4 preceding complete
21 calendar quarter period is less than \$10,000. However, if a
22 taxpayer can show the Department that a substantial change in
23 the taxpayer's business has occurred which causes the taxpayer
24 to anticipate that his average monthly tax liability for the
25 reasonably foreseeable future will fall below the \$10,000
26 threshold stated above, then such taxpayer may petition the

1 Department for a change in such taxpayer's reporting status. On
2 and after October 1, 2000, once applicable, the requirement of
3 the making of quarter monthly payments to the Department by
4 taxpayers having an average monthly tax liability of \$20,000 or
5 more as determined in the manner provided above shall continue
6 until such taxpayer's average monthly liability to the
7 Department during the preceding 4 complete calendar quarters
8 (excluding the month of highest liability and the month of
9 lowest liability) is less than \$19,000 or until such taxpayer's
10 average monthly liability to the Department as computed for
11 each calendar quarter of the 4 preceding complete calendar
12 quarter period is less than \$20,000. However, if a taxpayer can
13 show the Department that a substantial change in the taxpayer's
14 business has occurred which causes the taxpayer to anticipate
15 that his average monthly tax liability for the reasonably
16 foreseeable future will fall below the \$20,000 threshold stated
17 above, then such taxpayer may petition the Department for a
18 change in such taxpayer's reporting status. The Department
19 shall change such taxpayer's reporting status unless it finds
20 that such change is seasonal in nature and not likely to be
21 long term. If any such quarter monthly payment is not paid at
22 the time or in the amount required by this Section, then the
23 taxpayer shall be liable for penalties and interest on the
24 difference between the minimum amount due as a payment and the
25 amount of such quarter monthly payment actually and timely
26 paid, except insofar as the taxpayer has previously made

1 payments for that month to the Department in excess of the
2 minimum payments previously due as provided in this Section.
3 The Department shall make reasonable rules and regulations to
4 govern the quarter monthly payment amount and quarter monthly
5 payment dates for taxpayers who file on other than a calendar
6 monthly basis.

7 The provisions of this paragraph apply before October 1,
8 2001. Without regard to whether a taxpayer is required to make
9 quarter monthly payments as specified above, any taxpayer who
10 is required by Section 2d of this Act to collect and remit
11 prepaid taxes and has collected prepaid taxes which average in
12 excess of \$25,000 per month during the preceding 2 complete
13 calendar quarters, shall file a return with the Department as
14 required by Section 2f and shall make payments to the
15 Department on or before the 7th, 15th, 22nd and last day of the
16 month during which such liability is incurred. If the month
17 during which such tax liability is incurred began prior to the
18 effective date of this amendatory Act of 1985, each payment
19 shall be in an amount not less than 22.5% of the taxpayer's
20 actual liability under Section 2d. If the month during which
21 such tax liability is incurred begins on or after January 1,
22 1986, each payment shall be in an amount equal to 22.5% of the
23 taxpayer's actual liability for the month or 27.5% of the
24 taxpayer's liability for the same calendar month of the
25 preceding calendar year. If the month during which such tax
26 liability is incurred begins on or after January 1, 1987, each

1 payment shall be in an amount equal to 22.5% of the taxpayer's
2 actual liability for the month or 26.25% of the taxpayer's
3 liability for the same calendar month of the preceding year.
4 The amount of such quarter monthly payments shall be credited
5 against the final tax liability of the taxpayer's return for
6 that month filed under this Section or Section 2f, as the case
7 may be. Once applicable, the requirement of the making of
8 quarter monthly payments to the Department pursuant to this
9 paragraph shall continue until such taxpayer's average monthly
10 prepaid tax collections during the preceding 2 complete
11 calendar quarters is \$25,000 or less. If any such quarter
12 monthly payment is not paid at the time or in the amount
13 required, the taxpayer shall be liable for penalties and
14 interest on such difference, except insofar as the taxpayer has
15 previously made payments for that month in excess of the
16 minimum payments previously due.

17 The provisions of this paragraph apply on and after October
18 1, 2001. Without regard to whether a taxpayer is required to
19 make quarter monthly payments as specified above, any taxpayer
20 who is required by Section 2d of this Act to collect and remit
21 prepaid taxes and has collected prepaid taxes that average in
22 excess of \$20,000 per month during the preceding 4 complete
23 calendar quarters shall file a return with the Department as
24 required by Section 2f and shall make payments to the
25 Department on or before the 7th, 15th, 22nd and last day of the
26 month during which the liability is incurred. Each payment

1 shall be in an amount equal to 22.5% of the taxpayer's actual
2 liability for the month or 25% of the taxpayer's liability for
3 the same calendar month of the preceding year. The amount of
4 the quarter monthly payments shall be credited against the
5 final tax liability of the taxpayer's return for that month
6 filed under this Section or Section 2f, as the case may be.
7 Once applicable, the requirement of the making of quarter
8 monthly payments to the Department pursuant to this paragraph
9 shall continue until the taxpayer's average monthly prepaid tax
10 collections during the preceding 4 complete calendar quarters
11 (excluding the month of highest liability and the month of
12 lowest liability) is less than \$19,000 or until such taxpayer's
13 average monthly liability to the Department as computed for
14 each calendar quarter of the 4 preceding complete calendar
15 quarters is less than \$20,000. If any such quarter monthly
16 payment is not paid at the time or in the amount required, the
17 taxpayer shall be liable for penalties and interest on such
18 difference, except insofar as the taxpayer has previously made
19 payments for that month in excess of the minimum payments
20 previously due.

21 If any payment provided for in this Section exceeds the
22 taxpayer's liabilities under this Act, the Use Tax Act, the
23 Service Occupation Tax Act and the Service Use Tax Act, as
24 shown on an original monthly return, the Department shall, if
25 requested by the taxpayer, issue to the taxpayer a credit
26 memorandum no later than 30 days after the date of payment. The

1 credit evidenced by such credit memorandum may be assigned by
2 the taxpayer to a similar taxpayer under this Act, the Use Tax
3 Act, the Service Occupation Tax Act or the Service Use Tax Act,
4 in accordance with reasonable rules and regulations to be
5 prescribed by the Department. If no such request is made, the
6 taxpayer may credit such excess payment against tax liability
7 subsequently to be remitted to the Department under this Act,
8 the Use Tax Act, the Service Occupation Tax Act or the Service
9 Use Tax Act, in accordance with reasonable rules and
10 regulations prescribed by the Department. If the Department
11 subsequently determined that all or any part of the credit
12 taken was not actually due to the taxpayer, the taxpayer's 2.1%
13 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
14 of the difference between the credit taken and that actually
15 due, and that taxpayer shall be liable for penalties and
16 interest on such difference.

17 If a retailer of motor fuel is entitled to a credit under
18 Section 2d of this Act which exceeds the taxpayer's liability
19 to the Department under this Act for the month which the
20 taxpayer is filing a return, the Department shall issue the
21 taxpayer a credit memorandum for the excess.

22 Beginning January 1, 1990, each month the Department shall
23 pay into the Local Government Tax Fund, a special fund in the
24 State treasury which is hereby created, the net revenue
25 realized for the preceding month from the 1% tax on sales of
26 food for human consumption which is to be consumed off the

1 premises where it is sold (other than alcoholic beverages, soft
2 drinks and food which has been prepared for immediate
3 consumption) and prescription and nonprescription medicines,
4 drugs, medical appliances and insulin, urine testing
5 materials, syringes and needles used by diabetics.

6 Beginning January 1, 1990, each month the Department shall
7 pay into the County and Mass Transit District Fund, a special
8 fund in the State treasury which is hereby created, 4% of the
9 net revenue realized for the preceding month from the 6.25%
10 general rate.

11 Beginning August 1, 2000, each month the Department shall
12 pay into the County and Mass Transit District Fund 20% of the
13 net revenue realized for the preceding month from the 1.25%
14 rate on the selling price of motor fuel and gasohol. Beginning
15 September 1, 2010, each month the Department shall pay into the
16 County and Mass Transit District Fund 20% of the net revenue
17 realized for the preceding month from the 1.25% rate on the
18 selling price of sales tax holiday items.

19 Beginning January 1, 1990, each month the Department shall
20 pay into the Local Government Tax Fund 16% of the net revenue
21 realized for the preceding month from the 6.25% general rate on
22 the selling price of tangible personal property.

23 Beginning August 1, 2000, each month the Department shall
24 pay into the Local Government Tax Fund 80% of the net revenue
25 realized for the preceding month from the 1.25% rate on the
26 selling price of motor fuel and gasohol. Beginning September 1,

1 2010, each month the Department shall pay into the Local
2 Government Tax Fund 80% of the net revenue realized for the
3 preceding month from the 1.25% rate on the selling price of
4 sales tax holiday items.

5 Beginning October 1, 2009, each month the Department shall
6 pay into the Capital Projects Fund an amount that is equal to
7 an amount estimated by the Department to represent 80% of the
8 net revenue realized for the preceding month from the sale of
9 candy, grooming and hygiene products, and soft drinks that had
10 been taxed at a rate of 1% prior to September 1, 2009 but that
11 are ~~is~~ now taxed at 6.25%.

12 Beginning July 1, 2011, each month the Department shall pay
13 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
14 realized for the preceding month from the 6.25% general rate on
15 the selling price of sorbents used in Illinois in the process
16 of sorbent injection as used to comply with the Environmental
17 Protection Act or the federal Clean Air Act, but the total
18 payment into the Clean Air Act (CAA) Permit Fund under this Act
19 and the Use Tax Act shall not exceed \$2,000,000 in any fiscal
20 year.

21 Beginning July 1, 2013, each month the Department shall pay
22 into the Underground Storage Tank Fund from the proceeds
23 collected under this Act, the Use Tax Act, the Service Use Tax
24 Act, and the Service Occupation Tax Act an amount equal to the
25 average monthly deficit in the Underground Storage Tank Fund
26 during the prior year, as certified annually by the Illinois

1 Environmental Protection Agency, but the total payment into the
2 Underground Storage Tank Fund under this Act, the Use Tax Act,
3 the Service Use Tax Act, and the Service Occupation Tax Act
4 shall not exceed \$18,000,000 in any State fiscal year. As used
5 in this paragraph, the "average monthly deficit" shall be equal
6 to the difference between the average monthly claims for
7 payment by the fund and the average monthly revenues deposited
8 into the fund, excluding payments made pursuant to this
9 paragraph.

10 Of the remainder of the moneys received by the Department
11 pursuant to this Act, (a) 1.75% thereof shall be paid into the
12 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
13 and after July 1, 1989, 3.8% thereof shall be paid into the
14 Build Illinois Fund; provided, however, that if in any fiscal
15 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
16 may be, of the moneys received by the Department and required
17 to be paid into the Build Illinois Fund pursuant to this Act,
18 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
19 Act, and Section 9 of the Service Occupation Tax Act, such Acts
20 being hereinafter called the "Tax Acts" and such aggregate of
21 2.2% or 3.8%, as the case may be, of moneys being hereinafter
22 called the "Tax Act Amount", and (2) the amount transferred to
23 the Build Illinois Fund from the State and Local Sales Tax
24 Reform Fund shall be less than the Annual Specified Amount (as
25 hereinafter defined), an amount equal to the difference shall
26 be immediately paid into the Build Illinois Fund from other

1 moneys received by the Department pursuant to the Tax Acts; the
2 "Annual Specified Amount" means the amounts specified below for
3 fiscal years 1986 through 1993:

4	Fiscal Year	Annual Specified Amount
5	1986	\$54,800,000
6	1987	\$76,650,000
7	1988	\$80,480,000
8	1989	\$88,510,000
9	1990	\$115,330,000
10	1991	\$145,470,000
11	1992	\$182,730,000
12	1993	\$206,520,000;

13 and means the Certified Annual Debt Service Requirement (as
14 defined in Section 13 of the Build Illinois Bond Act) or the
15 Tax Act Amount, whichever is greater, for fiscal year 1994 and
16 each fiscal year thereafter; and further provided, that if on
17 the last business day of any month the sum of (1) the Tax Act
18 Amount required to be deposited into the Build Illinois Bond
19 Account in the Build Illinois Fund during such month and (2)
20 the amount transferred to the Build Illinois Fund from the
21 State and Local Sales Tax Reform Fund shall have been less than
22 1/12 of the Annual Specified Amount, an amount equal to the
23 difference shall be immediately paid into the Build Illinois
24 Fund from other moneys received by the Department pursuant to
25 the Tax Acts; and, further provided, that in no event shall the
26 payments required under the preceding proviso result in

1 aggregate payments into the Build Illinois Fund pursuant to
2 this clause (b) for any fiscal year in excess of the greater of
3 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
4 such fiscal year. The amounts payable into the Build Illinois
5 Fund under clause (b) of the first sentence in this paragraph
6 shall be payable only until such time as the aggregate amount
7 on deposit under each trust indenture securing Bonds issued and
8 outstanding pursuant to the Build Illinois Bond Act is
9 sufficient, taking into account any future investment income,
10 to fully provide, in accordance with such indenture, for the
11 defeasance of or the payment of the principal of, premium, if
12 any, and interest on the Bonds secured by such indenture and on
13 any Bonds expected to be issued thereafter and all fees and
14 costs payable with respect thereto, all as certified by the
15 Director of the Bureau of the Budget (now Governor's Office of
16 Management and Budget). If on the last business day of any
17 month in which Bonds are outstanding pursuant to the Build
18 Illinois Bond Act, the aggregate of moneys deposited in the
19 Build Illinois Bond Account in the Build Illinois Fund in such
20 month shall be less than the amount required to be transferred
21 in such month from the Build Illinois Bond Account to the Build
22 Illinois Bond Retirement and Interest Fund pursuant to Section
23 13 of the Build Illinois Bond Act, an amount equal to such
24 deficiency shall be immediately paid from other moneys received
25 by the Department pursuant to the Tax Acts to the Build
26 Illinois Fund; provided, however, that any amounts paid to the

1 Build Illinois Fund in any fiscal year pursuant to this
 2 sentence shall be deemed to constitute payments pursuant to
 3 clause (b) of the first sentence of this paragraph and shall
 4 reduce the amount otherwise payable for such fiscal year
 5 pursuant to that clause (b). The moneys received by the
 6 Department pursuant to this Act and required to be deposited
 7 into the Build Illinois Fund are subject to the pledge, claim
 8 and charge set forth in Section 12 of the Build Illinois Bond
 9 Act.

10 Subject to payment of amounts into the Build Illinois Fund
 11 as provided in the preceding paragraph or in any amendment
 12 thereto hereafter enacted, the following specified monthly
 13 installment of the amount requested in the certificate of the
 14 Chairman of the Metropolitan Pier and Exposition Authority
 15 provided under Section 8.25f of the State Finance Act, but not
 16 in excess of sums designated as "Total Deposit", shall be
 17 deposited in the aggregate from collections under Section 9 of
 18 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 19 9 of the Service Occupation Tax Act, and Section 3 of the
 20 Retailers' Occupation Tax Act into the McCormick Place
 21 Expansion Project Fund in the specified fiscal years.

22	Fiscal Year	Total Deposit
23	1993	\$0
24	1994	53,000,000
25	1995	58,000,000

1	1996	61,000,000
2	1997	64,000,000
3	1998	68,000,000
4	1999	71,000,000
5	2000	75,000,000
6	2001	80,000,000
7	2002	93,000,000
8	2003	99,000,000
9	2004	103,000,000
10	2005	108,000,000
11	2006	113,000,000
12	2007	119,000,000
13	2008	126,000,000
14	2009	132,000,000
15	2010	139,000,000
16	2011	146,000,000
17	2012	153,000,000
18	2013	161,000,000
19	2014	170,000,000
20	2015	179,000,000
21	2016	189,000,000
22	2017	199,000,000
23	2018	210,000,000
24	2019	221,000,000
25	2020	233,000,000
26	2021	246,000,000

1	2022	260,000,000
2	2023	275,000,000
3	2024	275,000,000
4	2025	275,000,000
5	2026	279,000,000
6	2027	292,000,000
7	2028	307,000,000
8	2029	322,000,000
9	2030	338,000,000
10	2031	350,000,000
11	2032	350,000,000

12 and
13 each fiscal year
14 thereafter that bonds
15 are outstanding under
16 Section 13.2 of the
17 Metropolitan Pier and
18 Exposition Authority Act,
19 but not after fiscal year 2060.

20 Beginning July 20, 1993 and in each month of each fiscal
21 year thereafter, one-eighth of the amount requested in the
22 certificate of the Chairman of the Metropolitan Pier and
23 Exposition Authority for that fiscal year, less the amount
24 deposited into the McCormick Place Expansion Project Fund by
25 the State Treasurer in the respective month under subsection
26 (g) of Section 13 of the Metropolitan Pier and Exposition

1 Authority Act, plus cumulative deficiencies in the deposits
2 required under this Section for previous months and years,
3 shall be deposited into the McCormick Place Expansion Project
4 Fund, until the full amount requested for the fiscal year, but
5 not in excess of the amount specified above as "Total Deposit",
6 has been deposited.

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 July 1, 1993 and ending on September 30,
11 2013, the Department shall each month pay into the Illinois Tax
12 Increment Fund 0.27% of 80% of the net revenue realized for the
13 preceding month from the 6.25% general rate on the selling
14 price of tangible personal property.

15 Subject to payment of amounts into the Build Illinois Fund
16 and the McCormick Place Expansion Project Fund pursuant to the
17 preceding paragraphs or in any amendments thereto hereafter
18 enacted, beginning with the receipt of the first report of
19 taxes paid by an eligible business and continuing for a 25-year
20 period, the Department shall each month pay into the Energy
21 Infrastructure Fund 80% of the net revenue realized from the
22 6.25% general rate on the selling price of Illinois-mined coal
23 that was sold to an eligible business. For purposes of this
24 paragraph, the term "eligible business" means a new electric
25 generating facility certified pursuant to Section 605-332 of
26 the Department of Commerce and Economic Opportunity Law of the

1 Civil Administrative Code of Illinois.

2 Of the remainder of the moneys received by the Department
3 pursuant to this Act, 75% thereof shall be paid into the State
4 Treasury and 25% shall be reserved in a special account and
5 used only for the transfer to the Common School Fund as part of
6 the monthly transfer from the General Revenue Fund in
7 accordance with Section 8a of the State Finance Act.

8 The Department may, upon separate written notice to a
9 taxpayer, require the taxpayer to prepare and file with the
10 Department on a form prescribed by the Department within not
11 less than 60 days after receipt of the notice an annual
12 information return for the tax year specified in the notice.
13 Such annual return to the Department shall include a statement
14 of gross receipts as shown by the retailer's last Federal
15 income tax return. If the total receipts of the business as
16 reported in the Federal income tax return do not agree with the
17 gross receipts reported to the Department of Revenue for the
18 same period, the retailer shall attach to his annual return a
19 schedule showing a reconciliation of the 2 amounts and the
20 reasons for the difference. The retailer's annual return to the
21 Department shall also disclose the cost of goods sold by the
22 retailer during the year covered by such return, opening and
23 closing inventories of such goods for such year, costs of goods
24 used from stock or taken from stock and given away by the
25 retailer during such year, payroll information of the
26 retailer's business during such year and any additional

1 reasonable information which the Department deems would be
2 helpful in determining the accuracy of the monthly, quarterly
3 or annual returns filed by such retailer as provided for in
4 this Section.

5 If the annual information return required by this Section
6 is not filed when and as required, the taxpayer shall be liable
7 as follows:

8 (i) Until January 1, 1994, the taxpayer shall be liable
9 for a penalty equal to 1/6 of 1% of the tax due from such
10 taxpayer under this Act during the period to be covered by
11 the annual return for each month or fraction of a month
12 until such return is filed as required, the penalty to be
13 assessed and collected in the same manner as any other
14 penalty provided for in this Act.

15 (ii) On and after January 1, 1994, the taxpayer shall
16 be liable for a penalty as described in Section 3-4 of the
17 Uniform Penalty and Interest Act.

18 The chief executive officer, proprietor, owner or highest
19 ranking manager shall sign the annual return to certify the
20 accuracy of the information contained therein. Any person who
21 willfully signs the annual return containing false or
22 inaccurate information shall be guilty of perjury and punished
23 accordingly. The annual return form prescribed by the
24 Department shall include a warning that the person signing the
25 return may be liable for perjury.

26 The provisions of this Section concerning the filing of an

1 annual information return do not apply to a retailer who is not
2 required to file an income tax return with the United States
3 Government.

4 As soon as possible after the first day of each month, upon
5 certification of the Department of Revenue, the Comptroller
6 shall order transferred and the Treasurer shall transfer from
7 the General Revenue Fund to the Motor Fuel Tax Fund an amount
8 equal to 1.7% of 80% of the net revenue realized under this Act
9 for the second preceding month. Beginning April 1, 2000, this
10 transfer is no longer required and shall not be made.

11 Net revenue realized for a month shall be the revenue
12 collected by the State pursuant to this Act, less the amount
13 paid out during that month as refunds to taxpayers for
14 overpayment of liability.

15 For greater simplicity of administration, manufacturers,
16 importers and wholesalers whose products are sold at retail in
17 Illinois by numerous retailers, and who wish to do so, may
18 assume the responsibility for accounting and paying to the
19 Department all tax accruing under this Act with respect to such
20 sales, if the retailers who are affected do not make written
21 objection to the Department to this arrangement.

22 Any person who promotes, organizes, provides retail
23 selling space for concessionaires or other types of sellers at
24 the Illinois State Fair, DuQuoin State Fair, county fairs,
25 local fairs, art shows, flea markets and similar exhibitions or
26 events, including any transient merchant as defined by Section

1 2 of the Transient Merchant Act of 1987, is required to file a
2 report with the Department providing the name of the merchant's
3 business, the name of the person or persons engaged in
4 merchant's business, the permanent address and Illinois
5 Retailers Occupation Tax Registration Number of the merchant,
6 the dates and location of the event and other reasonable
7 information that the Department may require. The report must be
8 filed not later than the 20th day of the month next following
9 the month during which the event with retail sales was held.
10 Any person who fails to file a report required by this Section
11 commits a business offense and is subject to a fine not to
12 exceed \$250.

13 Any person engaged in the business of selling tangible
14 personal property at retail as a concessionaire or other type
15 of seller at the Illinois State Fair, county fairs, art shows,
16 flea markets and similar exhibitions or events, or any
17 transient merchants, as defined by Section 2 of the Transient
18 Merchant Act of 1987, may be required to make a daily report of
19 the amount of such sales to the Department and to make a daily
20 payment of the full amount of tax due. The Department shall
21 impose this requirement when it finds that there is a
22 significant risk of loss of revenue to the State at such an
23 exhibition or event. Such a finding shall be based on evidence
24 that a substantial number of concessionaires or other sellers
25 who are not residents of Illinois will be engaging in the
26 business of selling tangible personal property at retail at the

1 exhibition or event, or other evidence of a significant risk of
2 loss of revenue to the State. The Department shall notify
3 concessionaires and other sellers affected by the imposition of
4 this requirement. In the absence of notification by the
5 Department, the concessionaires and other sellers shall file
6 their returns as otherwise required in this Section.

7 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,
8 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;
9 revised 9-9-13.)

10 Section 195. The Property Tax Code is amended by changing
11 Sections 9-275 and 15-170 as follows:

12 (35 ILCS 200/9-275)

13 Sec. 9-275. Erroneous homestead exemptions.

14 (a) For purposes of this Section:

15 "Erroneous homestead exemption" means a homestead
16 exemption that was granted for real property in a taxable year
17 if the property was not eligible for that exemption in that
18 taxable year. If the taxpayer receives an erroneous homestead
19 exemption under a single Section of this Code for the same
20 property in multiple years, that exemption is considered a
21 single erroneous homestead exemption for purposes of this
22 Section. However, if the taxpayer receives erroneous homestead
23 exemptions under multiple Sections of this Code for the same
24 property, or if the taxpayer receives erroneous homestead

1 exemptions under the same Section of this Code for multiple
2 properties, then each of those exemptions is considered a
3 separate erroneous homestead exemption for purposes of this
4 Section.

5 "Homestead exemption" means an exemption under Section
6 15-165 (disabled veterans), 15-167 (returning veterans),
7 15-168 (disabled persons), 15-169 (disabled veterans standard
8 homestead), 15-170 (senior citizens), 15-172 (senior citizens
9 assessment freeze), 15-175 (general homestead), 15-176
10 (alternative general homestead), or 15-177 (long-time
11 occupant).

12 (b) Notwithstanding any other provision of law, in counties
13 with 3,000,000 or more inhabitants, the chief county assessment
14 officer shall include the following information with each
15 assessment notice sent in a general assessment year: (1) a list
16 of each homestead exemption available under Article 15 of this
17 Code and a description of the eligibility criteria for that
18 exemption; (2) a list of each homestead exemption applied to
19 the property in the current assessment year; (3) information
20 regarding penalties and interest that may be incurred under
21 this Section if the property owner received an erroneous
22 homestead exemption in a previous taxable year; and (4) notice
23 of the 60-day grace period available under this subsection. If,
24 within 60 days after receiving his or her assessment notice,
25 the property owner notifies the chief county assessment officer
26 that he or she received an erroneous homestead exemption in a

1 previous assessment year, and if the property owner pays the
2 principal amount of back taxes due and owing with respect to
3 that exemption, plus interest as provided in subsection (f),
4 then the property owner shall not be liable for the penalties
5 provided in subsection (f) with respect to that exemption.

6 (c) The chief county assessment officer in a county with
7 3,000,000 or more inhabitants may cause a lien to be recorded
8 against property that (1) is located in the county and (2)
9 received one or more erroneous homestead exemptions if, upon
10 determination of the chief county assessment officer, the
11 property owner received: (A) one or 2 erroneous homestead
12 exemptions for real property, including at least one erroneous
13 homestead exemption granted for the property against which the
14 lien is sought, during any of the 3 assessment years
15 immediately prior to the assessment year in which the notice of
16 intent to record a tax lien is served; or (B) ~~(2)~~ 3 or more
17 erroneous homestead exemptions for real property, including at
18 least one erroneous homestead exemption granted for the
19 property against which the lien is sought, during any of the 6
20 assessment years immediately prior to the assessment year in
21 which the notice of intent to record a tax lien is served.
22 Prior to recording the lien against the property, the chief
23 county assessment officer shall cause to be served, by both
24 regular mail and certified mail, return receipt requested, on
25 the person to whom the most recent tax bill was mailed and the
26 owner of record, a notice of intent to record a tax lien

1 against the property.

2 (d) The notice of intent to record a tax lien described in
3 subsection (c) shall: (1) identify, by property index number,
4 the property against which the lien is being sought; (2)
5 identify each specific homestead exemption that was
6 erroneously granted and the year or years in which each
7 exemption was granted; (3) set forth the arrearage of taxes
8 that would have been due if not for the erroneous homestead
9 exemptions; (4) inform the property owner that he or she may
10 request a hearing within 30 days after service and may appeal
11 the hearing officer's ruling to the circuit court; and (5)
12 inform the property owner that he or she may pay the amount
13 due, plus interest and penalties, within 30 days after service.

14 (e) The notice must also include a form that the property
15 owner may return to the chief county assessment officer to
16 request a hearing. The property owner may request a hearing by
17 returning the form within 30 days after service. The hearing
18 shall be held within 90 days after the property owner is
19 served. The chief county assessment officer shall promulgate
20 rules of service and procedure for the hearing. The chief
21 county assessment officer must generally follow rules of
22 evidence and practices that prevail in the county circuit
23 courts, but, because of the nature of these proceedings, the
24 chief county assessment officer is not bound by those rules in
25 all particulars. The chief county assessment officer shall
26 appoint a hearing officer to oversee the hearing. The property

1 owner shall be allowed to present evidence to the hearing
2 officer at the hearing. After taking into consideration all the
3 relevant testimony and evidence, the hearing officer shall make
4 an administrative decision on whether the property owner was
5 erroneously granted a homestead exemption for the assessment
6 year in question. The property owner may appeal the hearing
7 officer's ruling to the circuit court of the county where the
8 property is located as a final administrative decision under
9 the Administrative Review Law.

10 (f) A lien against the property imposed under this Section
11 shall be filed with the county recorder of deeds, but may not
12 be filed sooner than 60 days after the notice was delivered to
13 the property owner if the property owner does not request a
14 hearing, or until the conclusion of the hearing and all appeals
15 if the property owner does request a hearing. If a lien is
16 filed pursuant to this Section and the property owner received
17 one or 2 erroneous homestead exemptions during any of the 3
18 assessment years immediately prior to the assessment year in
19 which the notice of intent to record a tax lien is served,
20 then the arrearages of taxes that might have been assessed for
21 that property, plus 10% interest per annum, shall be charged
22 against the property by the county treasurer. However, if a
23 lien is filed pursuant to this Section and the property owner
24 received 3 or more erroneous homestead exemptions during any of
25 the 6 assessment years immediately prior to the assessment year
26 in which the notice of intent to record a tax lien is served,

1 the arrearages of taxes that might have been assessed for that
2 property, plus a penalty of 50% of the total amount of unpaid
3 taxes for each year for that property and 10% interest per
4 annum, shall be charged against the property by the county
5 treasurer.

6 (g) If a person received an erroneous homestead exemption
7 under Section 15-170 and: (1) the person was the spouse, child,
8 grandchild, brother, sister, niece, or nephew of the previous
9 owner; and (2) the person received the property by bequest or
10 inheritance; then the person is not liable for the penalties
11 imposed under this subsection for any year or years during
12 which the county did not require an annual application for the
13 exemption. However, that person is responsible for any interest
14 owed under subsection (f).

15 (h) If the erroneous homestead exemption was granted as a
16 result of a clerical error or omission on the part of the chief
17 county assessment officer, and if the owner has paid its tax
18 bills as received for the year in which the error occurred,
19 then the interest and penalties authorized by this Section with
20 respect to that homestead exemption shall not be chargeable to
21 the owner. However, nothing in this Section shall prevent the
22 collection of the principal amount of back taxes due and owing.

23 (i) A lien under this Section is not valid as to (1) any
24 bona fide purchaser for value without notice of the erroneous
25 homestead exemption whose rights in and to the underlying
26 parcel arose after the erroneous homestead exemption was

1 granted but before the filing of the notice of lien; or (2) any
2 mortgagee, judgment creditor, or other lienor whose rights in
3 and to the underlying parcel arose before the filing of the
4 notice of lien. A title insurance policy for the property that
5 is issued by a title company licensed to do business in the
6 State showing that the property is free and clear of any liens
7 imposed under this Section shall be prima facie evidence that
8 the property owner is without notice of the erroneous homestead
9 exemption. Nothing in this Section shall be deemed to impair
10 the rights of subsequent creditors and subsequent purchasers
11 under Section 30 of the Conveyances Act.

12 (j) When a lien is filed against the property pursuant to
13 this Section, the chief county assessment officer shall mail a
14 copy of the lien to the person to whom the most recent tax bill
15 was mailed and to the owner of record, and the outstanding
16 liability created by such a lien is due and payable within 30
17 days after the mailing of the lien by the chief county
18 assessment officer. Payment shall be made to the chief county
19 assessment officer who shall, upon receipt of the full amount
20 due, provide in reasonable form a release of the lien and shall
21 transmit the funds received to the county treasurer for
22 distribution as provided in subsection (i) of this Section.
23 This liability is deemed delinquent and shall bear interest
24 beginning on the day after the due date.

25 (k) The unpaid taxes shall be paid to the appropriate
26 taxing districts. Interest shall be paid to the county where

1 the property is located. The penalty shall be paid to the chief
2 county assessment officer's office for the administration of
3 the provisions of this amendatory Act of the 98th General
4 Assembly.

5 (1) The chief county assessment officer in a county with
6 3,000,000 or more inhabitants shall establish an amnesty period
7 for all taxpayers owing any tax due to an erroneous homestead
8 exemption granted in a tax year prior to the 2013 tax year. The
9 amnesty period shall begin on the effective date of this
10 amendatory Act of the 98th General Assembly and shall run
11 through December 31, 2013. If, during the amnesty period, the
12 taxpayer pays the entire arrearage of taxes due for tax years
13 prior to 2013, the county clerk shall abate and not seek to
14 collect any interest or penalties that may be applicable and
15 shall not seek civil or criminal prosecution for any taxpayer
16 for tax years prior to 2013. Failure to pay all such taxes due
17 during the amnesty period established under this Section shall
18 invalidate the amnesty period for that taxpayer.

19 The chief county assessment officer in a county with
20 3,000,000 or more inhabitants shall (i) mail notice of the
21 amnesty period with the tax bills for the second installment of
22 taxes for the 2012 assessment year and (ii) as soon as possible
23 after the effective date of this amendatory Act of the 98th
24 General Assembly, publish notice of the amnesty period in a
25 newspaper of general circulation in the county. Notices shall
26 include information on the amnesty period, its purpose, and the

1 method in which to make payment.

2 Taxpayers who are a party to any criminal investigation or
3 to any civil or criminal litigation that is pending in any
4 circuit court or appellate court, or in the Supreme Court of
5 this State, for nonpayment, delinquency, or fraud in relation
6 to any property tax imposed by any taxing district located in
7 the State on the effective date of this amendatory Act of the
8 98th General Assembly may not take advantage of the amnesty
9 period.

10 A taxpayer who has claimed 3 or more homestead exemptions
11 in error shall not be eligible for the amnesty period
12 established under this subsection.

13 (Source: P.A. 98-93, eff. 7-16-13; revised 9-11-13.)

14 (35 ILCS 200/15-170)

15 Sec. 15-170. Senior Citizens Homestead Exemption. An
16 annual homestead exemption limited, except as described here
17 with relation to cooperatives or life care facilities, to a
18 maximum reduction set forth below from the property's value, as
19 equalized or assessed by the Department, is granted for
20 property that is occupied as a residence by a person 65 years
21 of age or older who is liable for paying real estate taxes on
22 the property and is an owner of record of the property or has a
23 legal or equitable interest therein as evidenced by a written
24 instrument, except for a leasehold interest, other than a
25 leasehold interest of land on which a single family residence

1 is located, which is occupied as a residence by a person 65
2 years or older who has an ownership interest therein, legal,
3 equitable or as a lessee, and on which he or she is liable for
4 the payment of property taxes. Before taxable year 2004, the
5 maximum reduction shall be \$2,500 in counties with 3,000,000 or
6 more inhabitants and \$2,000 in all other counties. For taxable
7 years 2004 through 2005, the maximum reduction shall be \$3,000
8 in all counties. For taxable years 2006 and 2007, the maximum
9 reduction shall be \$3,500. For taxable years 2008 through 2011,
10 the maximum reduction is \$4,000 in all counties. For taxable
11 year 2012, the maximum reduction is \$5,000 in counties with
12 3,000,000 or more inhabitants and \$4,000 in all other counties.
13 For taxable years 2013 and thereafter, the maximum reduction is
14 \$5,000 in all counties.

15 For land improved with an apartment building owned and
16 operated as a cooperative, the maximum reduction from the value
17 of the property, as equalized by the Department, shall be
18 multiplied by the number of apartments or units occupied by a
19 person 65 years of age or older who is liable, by contract with
20 the owner or owners of record, for paying property taxes on the
21 property and is an owner of record of a legal or equitable
22 interest in the cooperative apartment building, other than a
23 leasehold interest. For land improved with a life care
24 facility, the maximum reduction from the value of the property,
25 as equalized by the Department, shall be multiplied by the
26 number of apartments or units occupied by persons 65 years of

1 age or older, irrespective of any legal, equitable, or
2 leasehold interest in the facility, who are liable, under a
3 contract with the owner or owners of record of the facility,
4 for paying property taxes on the property. In a cooperative or
5 a life care facility where a homestead exemption has been
6 granted, the cooperative association or the management firm of
7 the cooperative or facility shall credit the savings resulting
8 from that exemption only to the apportioned tax liability of
9 the owner or resident who qualified for the exemption. Any
10 person who willfully refuses to so credit the savings shall be
11 guilty of a Class B misdemeanor. Under this Section and
12 Sections 15-175, 15-176, and 15-177, "life care facility" means
13 a facility, as defined in Section 2 of the Life Care Facilities
14 Act, with which the applicant for the homestead exemption has a
15 life care contract as defined in that Act.

16 When a homestead exemption has been granted under this
17 Section and the person qualifying subsequently becomes a
18 resident of a facility licensed under the Assisted Living and
19 Shared Housing Act, the Nursing Home Care Act, the Specialized
20 Mental Health Rehabilitation Act of 2013, or the ID/DD
21 Community Care Act, the exemption shall continue so long as the
22 residence continues to be occupied by the qualifying person's
23 spouse if the spouse is 65 years of age or older, or if the
24 residence remains unoccupied but is still owned by the person
25 qualified for the homestead exemption.

26 A person who will be 65 years of age during the current

1 assessment year shall be eligible to apply for the homestead
2 exemption during that assessment year. Application shall be
3 made during the application period in effect for the county of
4 his residence.

5 Beginning with assessment year 2003, for taxes payable in
6 2004, property that is first occupied as a residence after
7 January 1 of any assessment year by a person who is eligible
8 for the senior citizens homestead exemption under this Section
9 must be granted a pro-rata exemption for the assessment year.
10 The amount of the pro-rata exemption is the exemption allowed
11 in the county under this Section divided by 365 and multiplied
12 by the number of days during the assessment year the property
13 is occupied as a residence by a person eligible for the
14 exemption under this Section. The chief county assessment
15 officer must adopt reasonable procedures to establish
16 eligibility for this pro-rata exemption.

17 The assessor or chief county assessment officer may
18 determine the eligibility of a life care facility to receive
19 the benefits provided by this Section, by affidavit,
20 application, visual inspection, questionnaire or other
21 reasonable methods in order to insure that the tax savings
22 resulting from the exemption are credited by the management
23 firm to the apportioned tax liability of each qualifying
24 resident. The assessor may request reasonable proof that the
25 management firm has so credited the exemption.

26 The chief county assessment officer of each county with

1 less than 3,000,000 inhabitants shall provide to each person
2 allowed a homestead exemption under this Section a form to
3 designate any other person to receive a duplicate of any notice
4 of delinquency in the payment of taxes assessed and levied
5 under this Code on the property of the person receiving the
6 exemption. The duplicate notice shall be in addition to the
7 notice required to be provided to the person receiving the
8 exemption, and shall be given in the manner required by this
9 Code. The person filing the request for the duplicate notice
10 shall pay a fee of \$5 to cover administrative costs to the
11 supervisor of assessments, who shall then file the executed
12 designation with the county collector. Notwithstanding any
13 other provision of this Code to the contrary, the filing of
14 such an executed designation requires the county collector to
15 provide duplicate notices as indicated by the designation. A
16 designation may be rescinded by the person who executed such
17 designation at any time, in the manner and form required by the
18 chief county assessment officer.

19 The assessor or chief county assessment officer may
20 determine the eligibility of residential property to receive
21 the homestead exemption provided by this Section by
22 application, visual inspection, questionnaire or other
23 reasonable methods. The determination shall be made in
24 accordance with guidelines established by the Department.

25 In counties with 3,000,000 or more inhabitants, beginning
26 in taxable year 2010, each taxpayer who has been granted an

1 exemption under this Section must reapply on an annual basis.
2 The chief county assessment officer shall mail the application
3 to the taxpayer. In counties with less than 3,000,000
4 inhabitants, the county board may by resolution provide that if
5 a person has been granted a homestead exemption under this
6 Section, the person qualifying need not reapply for the
7 exemption.

8 In counties with less than 3,000,000 inhabitants, if the
9 assessor or chief county assessment officer requires annual
10 application for verification of eligibility for an exemption
11 once granted under this Section, the application shall be
12 mailed to the taxpayer.

13 The assessor or chief county assessment officer shall
14 notify each person who qualifies for an exemption under this
15 Section that the person may also qualify for deferral of real
16 estate taxes under the Senior Citizens Real Estate Tax Deferral
17 Act. The notice shall set forth the qualifications needed for
18 deferral of real estate taxes, the address and telephone number
19 of county collector, and a statement that applications for
20 deferral of real estate taxes may be obtained from the county
21 collector.

22 Notwithstanding Sections 6 and 8 of the State Mandates Act,
23 no reimbursement by the State is required for the
24 implementation of any mandate created by this Section.

25 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
26 eff. 7-13-12; 98-7, eff. 4-23-13; 98-104, eff. 7-22-13; revised

1 8-12-13.)

2 Section 200. The Illinois Hydraulic Fracturing Tax Act is
3 amended by changing Sections 2-15, 2-45, and 2-50 as follows:

4 (35 ILCS 450/2-15)

5 Sec. 2-15. Tax imposed.

6 (a) For oil and gas removed on or after July 1, 2013, there
7 is hereby imposed a tax upon the severance and production of
8 oil or gas from a well on a production unit in this State
9 permitted, or required to be permitted, under the Illinois
10 Hydraulic Fracturing Regulatory Act, for sale, transport,
11 storage, profit, or commercial use. The tax shall be applied
12 equally to all portions of the value of each barrel of oil
13 severed and subject to such tax and to the value of the gas
14 severed and subject to such tax. For a period of 24 months from
15 the month in which oil or gas was first produced from the well,
16 the rate of tax shall be 3% of the value of the oil or gas
17 severed from the earth or water in this State. Thereafter, the
18 rate of the tax shall be as follows:

19 (1) For oil:

20 (A) where the average daily production from the
21 well during the month is less than 25 barrels, 3% of
22 the value of the oil severed from the earth or water;

23 (B) where the average daily production from the
24 well during the month is 25 or more barrels but less

1 than 50 barrels, 4% of the value of the oil severed
2 from the earth or water;

3 (C) where the average daily production from the
4 well during the month is 50 or more barrels but less
5 than 100 barrels, 5% of the value of the oil severed
6 from the earth or water; or

7 (D) where the average daily production from the
8 well during the month is 100 or more barrels, 6% of the
9 value of the oil severed from the earth or water.

10 (2) For gas, 6% of the value of the gas severed from
11 the earth or water.

12 If a well is required to be permitted under the ~~Illinois~~
13 Hydraulic Fracturing Regulatory Act, the tax imposed by this
14 Section applies, whether or not a permit was obtained.

15 (b) Oil produced from a well whose average daily production
16 is 15 barrels or less for the 12-month period immediately
17 preceding the production is exempt from the tax imposed by this
18 Act.

19 (c) For the purposes of the tax imposed by this Act the
20 amount of oil produced shall be measured or determined, in the
21 case of oil, by tank tables, without deduction for overage or
22 losses in handling. Allowance for any reasonable and bona fide
23 deduction for basic sediment and water, and for correction of
24 temperature to 60 degrees Fahrenheit will be allowed. For the
25 purposes of the tax imposed by this Act the amount of gas
26 produced shall be measured or determined, by meter readings

1 showing 100% of the full volume expressed in cubic feet at a
2 standard base and flowing temperature of 60 degrees Fahrenheit,
3 and at the absolute pressure at which the gas is sold and
4 purchased. Correction shall be made for pressure according to
5 Boyle's law, and used for specific gravity according to the
6 gravity at which the gas is sold and purchased.

7 (d) The following severance and production of gas shall be
8 exempt from the tax imposed by this Act: gas injected into the
9 earth for the purpose of lifting oil, recycling, or
10 repressuring; gas used for fuel in connection with the
11 operation and development for, or production of, oil or gas in
12 the production unit where severed; and gas lawfully vented or
13 flared; gas inadvertently lost on the production unit by reason
14 of leaks, blowouts, or other accidental losses.

15 (e) All oil and gas removed from the premises where severed
16 is subject to the tax imposed by this Act unless exempt under
17 the terms of this Act.

18 (f) The liability for the tax accrues at the time the oil
19 or gas is removed from the production unit.

20 (Source: P.A. 98-22, eff. 6-17-13; revised 10-7-13.)

21 (35 ILCS 450/2-45)

22 Sec. 2-45. Purchaser's return and tax remittance. Each
23 purchaser shall make a return to the Department showing the
24 quantity of oil or gas purchased during the month for which the
25 return is filed, the price paid therefor ~~therefore~~, total

1 value, the name and address of the operator or other person
2 from whom the same was purchased, a description of the
3 production unit in the manner prescribed by the Department from
4 which such oil or gas was severed and the amount of tax due
5 from each production unit for each calendar month. All taxes
6 due, or to be remitted, by the purchaser shall accompany this
7 return. The return shall be filed on or before the last day of
8 the month after the calendar month for which the return is
9 required. The Department shall forward the necessary
10 information to each Chief County Assessment Officer for the
11 administration and application of ad valorem real property
12 taxes at the county level. This information shall be forwarded
13 to the Chief County Assessment Officers in a yearly summary
14 before March 1 of the following calendar year. The Department
15 may require any additional report or information it may deem
16 necessary for the proper administration of this Act.

17 Such returns shall be filed electronically in the manner
18 prescribed by the Department. Purchasers shall make all
19 payments of that tax to the Department by electronic funds
20 transfer unless, as provided by rule, the Department grants an
21 exception upon petition of a purchaser. Purchasers' returns
22 must be accompanied by appropriate computer generated magnetic
23 media supporting schedule data in the format required by the
24 Department, unless, as provided by rule, the Department grants
25 an exception upon petition of a purchaser.

26 (Source: P.A. 98-22, eff. 6-17-13; 98-23, eff. 6-17-13; revised

1 10-7-13.)

2 (35 ILCS 450/2-50)

3 Sec. 2-50. Operator returns; payment of tax.

4 (a) If, on or after July 1, 2013, oil or gas is transported
5 off the production unit where severed by the operator, used on
6 the production unit where severed, or if the manufacture and
7 conversion of oil and gas into refined products occurs on the
8 production unit where severed, the operator is responsible for
9 remitting the tax imposed under subsection ~~subsections~~ (a) of
10 Section 2-15 ~~15~~, on or before the last day of the month
11 following the end of the calendar month in which the oil and
12 gas is removed from the production unit, and such payment shall
13 be accompanied by a return to the Department showing the gross
14 quantity of oil or gas removed during the month for which the
15 return is filed, the price paid therefor ~~therefore~~, and if no
16 price is paid therefor ~~therefore~~, the value of the oil and gas,
17 a description of the production unit from which such oil or gas
18 was severed, and the amount of tax. The Department may require
19 any additional information it may deem necessary for the proper
20 administration of this Act.

21 (b) Operators shall file all returns electronically in the
22 manner prescribed by the Department unless, as provided by
23 rule, the Department grants an exception upon petition of an
24 operator. Operators shall make all payments of that tax to the
25 Department by electronic funds transfer unless, as provided by

1 rule, the Department grants an exception upon petition of an
2 operator. Operators' returns must be accompanied by
3 appropriate computer generated magnetic media supporting
4 schedule data in the format required by the Department, unless,
5 as provided by rule, the Department grants an exception upon
6 petition of a purchaser.

7 (c) Any operator who makes a monetary payment to a producer
8 for his or her portion of the value of products from a
9 production unit shall withhold from such payment the amount of
10 tax due from the producer. Any operator who pays any tax due
11 from a producer shall be entitled to reimbursement from the
12 producer for the tax so paid and may take credit for such
13 amount from any monetary payment to the producer for the value
14 of products. To the extent that an operator required to collect
15 the tax imposed by this Act has actually collected that tax,
16 such tax is held in trust for the benefit of the State of
17 Illinois.

18 (d) In the event the operator fails to make payment of the
19 tax to the State as required herein, the operator shall be
20 liable for the tax. A producer shall be entitled to bring an
21 action against such operator to recover the amount of tax so
22 withheld together with penalties and interest which may have
23 accrued by failure to make such payment. A producer shall be
24 entitled to all attorney fees and court costs incurred in such
25 action. To the extent that a producer liable for the tax
26 imposed by this Act collects the tax, and any penalties and

1 interest, from an operator, such tax, penalties, and interest
2 are held in trust by the producer for the benefit of the State
3 of Illinois.

4 (e) When the title to any oil or gas severed from the earth
5 or water is in dispute and the operator of such oil or gas is
6 withholding payments on account of litigation, or for any other
7 reason, such operator is hereby authorized, empowered and
8 required to deduct from the gross amount thus held the amount
9 of the tax imposed and to make remittance thereof to the
10 Department as provided in this Section.

11 (f) An operator required to file a return and pay the tax
12 under this Section shall register with the Department.
13 Application for a certificate of registration shall be made to
14 the Department upon forms furnished by the Department and shall
15 contain any reasonable information the Department may require.
16 Upon receipt of the application for a certificate of
17 registration in proper form, the Department shall issue to the
18 applicant a certificate of registration.

19 (g) If oil or gas is transported off the production unit
20 where severed by the operator and sold to a purchaser or
21 refiner, the State shall have a lien on all the oil or gas
22 severed from the production unit in this State in the hands of
23 the operator, the first or any subsequent purchaser thereof, or
24 refiner to secure the payment of the tax. If a lien is filed by
25 the Department, the purchaser or refiner shall withhold from
26 the operator the amount of tax, penalty and interest identified

1 in the lien.

2 (Source: P.A. 98-22, eff. 6-17-13; revised 10-7-13.)

3 Section 205. The Motor Fuel Tax Law is amended by changing
4 Sections 1 and 1.13A as follows:

5 (35 ILCS 505/1) (from Ch. 120, par. 417)

6 Sec. 1. For the purposes of this Act the terms set out in
7 the Sections following this Section and preceding Section 2
8 ~~Sections 1.1 through 1.21~~ have the meanings ascribed to them in
9 those Sections.

10 (Source: P.A. 86-16; 86-1028; revised 10-7-13.)

11 (35 ILCS 505/1.13A) (from Ch. 120, par. 417.13A)

12 Sec. 1.13A. "1-K Kerosene" means a special low-sulfur grade
13 kerosene suitable for use in non-flue connected kerosene burner
14 appliances, and in wick-fed illuminate lamps which has a
15 maximum limit of .04% sulfur mass, and a freezing point of -22
16 degrees Fahrenheit, and has a minimum saybolt color of +16. For
17 purposes of this Law, 1-K Kerosene includes 1-K Kerosene that
18 has been dyed in accordance with Section 4d of this Law.

19 (Source: P.A. 91-173, eff. 1-1-00; revised 11-12-13.)

20 Section 210. The Water Company Invested Capital Tax Act is
21 amended by changing Section 14 as follows:

1 (35 ILCS 625/14) (from Ch. 120, par. 1424)

2 Sec. 14. The Illinois Administrative Procedure Act, as now
3 or hereafter amended, is hereby expressly adopted and shall
4 apply to all administrative rules and procedures of the
5 Department of Revenue under this Act, except that (1) paragraph
6 (b) of Section 5-10 of ~~the~~ that Act does not apply to final
7 orders, decisions and opinions of the Department; (2)
8 subparagraph 2 of paragraph (a) of Section 5-10 of that Act
9 does not apply to forms established by the Department for use
10 under this Act; and (3) the provisions of Section 10-45 of that
11 Act regarding proposals for decision are excluded and not
12 applicable to the Department under this Act to the extent
13 Section 10-45 applies to hearings not otherwise subject to the
14 Illinois Independent Tax Tribunal Act of 2012.

15 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-17-13.)

16 Section 215. The Electricity Infrastructure Maintenance
17 Fee Law is amended by changing Section 5-6 as follows:

18 (35 ILCS 645/5-6)

19 Sec. 5-6. Validity of existing franchise fees and
20 agreement; police powers.

21 (a) On and after the effective date of this Law, no
22 electricity deliverer paying an infrastructure maintenance fee
23 imposed under this Law may be denied the right to use, directly
24 or indirectly, public rights of way because of the failure to

1 pay any other fee or charge for the right to use those rights
2 of way except to the extent that the electricity deliverer
3 during the Initial Period fails under any existing franchise
4 agreement to pay franchise fees which are based on the gross
5 receipts or gross revenues attributable to non-residential
6 customers or to provide free electrical service or other
7 compensation attributable to non-residential customers. A
8 municipality that imposes an infrastructure maintenance fee
9 pursuant to Section 5-5 shall impose no other fees or charges
10 upon electricity deliverers for such use except as provided by
11 subsections (b) or (c) of this Section.

12 (b) Agreements between electricity deliverers and
13 municipalities regarding use of the public way shall remain
14 valid according to and for their stated terms. However, a
15 municipality that, pursuant to a franchise agreement in
16 existence on the effective date of this Law, receives any
17 franchise fees, permit fees, free electrical service or other
18 compensation for use of the public rights of way, may impose an
19 infrastructure maintenance fee pursuant to this Law only if the
20 municipality: (1) waives its right to receive all compensation
21 from the electricity deliverer for use of the public rights of
22 way during the time the infrastructure maintenance fee is
23 imposed, except as provided in subsection (c), and except that
24 during the Initial Period any municipality may continue to
25 receive franchise fees, free electrical service or other
26 compensation from the electricity deliverer which are equal in

1 value to the Initial Period Compensation; and (2) provides
2 written notice of this waiver to the appropriate electricity
3 deliverer at the time that the municipality provides notice of
4 the imposition of the infrastructure maintenance fee under
5 subsection (d) of Section 5-5. For purposes of this Section,
6 "Initial Period Compensation" shall mean the total amount of
7 compensation due under the existing franchise agreement during
8 the Initial Period less the amount of the infrastructure
9 maintenance fee imposed under this Section during the Initial
10 Period.

11 (c) Nothing in this Law prohibits a municipality from the
12 reasonable exercise of its police powers over the public rights
13 of way. In addition, a municipality may require an electricity
14 deliverer to reimburse any special or extraordinary expenses or
15 costs reasonably incurred by the municipality as a direct
16 result of damages to its property or public rights of way, such
17 as the costs of restoration of streets damaged by an ~~a~~
18 electricity deliverer that does not make timely repair of the
19 damage, or for the loss of revenue due to the inability to use
20 public facilities as a direct result of the actions of the
21 electricity deliverer, such as parking meters that are required
22 to be removed because of work of an electricity deliverer.

23 (Source: P.A. 90-561, eff. 8-1-98; revised 10-17-13.)

24 Section 220. The Illinois Pension Code is amended by
25 changing Sections 4-114, 8-138, 9-102, 11-134, and 13-809 as

1 follows:

2 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

3 Sec. 4-114. Pension to survivors. If a firefighter who is
4 not receiving a disability pension under Section 4-110 or
5 4-110.1 dies (1) as a result of any illness or accident, or (2)
6 from any cause while in receipt of a disability pension under
7 this Article, or (3) during retirement after 20 years service,
8 or (4) while vested for or in receipt of a pension payable
9 under subsection (b) of Section 4-109, or (5) while a deferred
10 pensioner, having made all required contributions, a pension
11 shall be paid to his or her survivors, based on the monthly
12 salary attached to the firefighter's rank on the last day of
13 service in the fire department, as follows:

14 (a)(1) To the surviving spouse, a monthly pension of
15 40% of the monthly salary, and if there is a surviving
16 spouse, to the guardian of any minor child or children
17 including a child which has been conceived but not yet
18 born, 12% of such monthly salary for each such child until
19 attainment of age 18 or until the child's marriage,
20 whichever occurs first. Beginning July 1, 1993, the monthly
21 pension to the surviving spouse shall be 54% of the monthly
22 salary for all persons receiving a surviving spouse pension
23 under this Article, regardless of whether the deceased
24 firefighter was in service on or after the effective date
25 of this amendatory Act of 1993.

1 (2) Beginning July 1, 2004, unless the amount provided
2 under paragraph (1) of this subsection (a) is greater, the
3 total monthly pension payable under this paragraph (a),
4 including any amount payable on account of children, to the
5 surviving spouse of a firefighter who died (i) while
6 receiving a retirement pension, (ii) while he or she was a
7 deferred pensioner with at least 20 years of creditable
8 service, or (iii) while he or she was in active service
9 having at least 20 years of creditable service, regardless
10 of age, shall be no less than 100% of the monthly
11 retirement pension earned by the deceased firefighter at
12 the time of death, regardless of whether death occurs
13 before or after attainment of age 50, including any
14 increases under Section 4-109.1. This minimum applies to
15 all such surviving spouses who are eligible to receive a
16 surviving spouse pension, regardless of whether the
17 deceased firefighter was in service on or after the
18 effective date of this amendatory Act of the 93rd General
19 Assembly, and notwithstanding any limitation on maximum
20 pension under paragraph (d) or any other provision of this
21 Article.

22 (3) If the pension paid on and after July 1, 2004 to
23 the surviving spouse of a firefighter who died on or after
24 July 1, 2004 and before the effective date of this
25 amendatory Act of the 93rd General Assembly was less than
26 the minimum pension payable under paragraph (1) or (2) of

1 this subsection (a), the fund shall pay a lump sum equal to
2 the difference within 90 days after the effective date of
3 this amendatory Act of the 93rd General Assembly.

4 The pension to the surviving spouse shall terminate in
5 the event of the surviving spouse's remarriage prior to
6 July 1, 1993; remarriage on or after that date does not
7 affect the surviving spouse's pension, regardless of
8 whether the deceased firefighter was in service on or after
9 the effective date of this amendatory Act of 1993.

10 The surviving spouse's pension shall be subject to the
11 minimum established in Section 4-109.2.

12 (b) Upon the death of the surviving spouse leaving one
13 or more minor children, or upon the death of a firefighter
14 leaving one or more minor children but no surviving spouse,
15 to the duly appointed guardian of each such child, for
16 support and maintenance of each such child until the child
17 reaches age 18 or marries, whichever occurs first, a
18 monthly pension of 20% of the monthly salary.

19 In a case where the deceased firefighter left one or
20 more minor children but no surviving spouse and the
21 guardian of a child is receiving a pension of 12% of the
22 monthly salary on August 16, 2013 (the effective date of
23 Public Act 98-391) ~~this amendatory Act~~, the pension is
24 increased by Public Act 98-391 ~~this amendatory Act~~ to 20%
25 of the monthly salary for each such child, beginning on the
26 pension payment date occurring on or next following August

1 16, 2013 ~~the effective date of this amendatory Act~~. The
2 changes to this Section made by Public Act 98-391 ~~this~~
3 ~~amendatory Act of the 98th General Assembly~~ apply without
4 regard to whether the deceased firefighter was in service
5 on or after August 16, 2013 ~~the effective date of this~~
6 ~~amendatory Act~~.

7 (c) If a deceased firefighter leaves no surviving
8 spouse or unmarried minor children under age 18, but leaves
9 a dependent father or mother, to each dependent parent a
10 monthly pension of 18% of the monthly salary. To qualify
11 for the pension, a dependent parent must furnish
12 satisfactory proof that the deceased firefighter was at the
13 time of his or her death the sole supporter of the parent
14 or that the parent was the deceased's dependent for federal
15 income tax purposes.

16 (d) The total pension provided under paragraphs (a),
17 (b) and (c) of this Section shall not exceed 75% of the
18 monthly salary of the deceased firefighter (1) when paid to
19 the survivor of a firefighter who has attained 20 or more
20 years of service credit and who receives or is eligible to
21 receive a retirement pension under this Article, or (2)
22 when paid to the survivor of a firefighter who dies as a
23 result of illness or accident, or (3) when paid to the
24 survivor of a firefighter who dies from any cause while in
25 receipt of a disability pension under this Article, or (4)
26 when paid to the survivor of a deferred pensioner. For all

1 other survivors of deceased firefighters, the total
2 pension provided under paragraphs (a), (b) and (c) of this
3 Section shall not exceed 50% of the retirement annuity the
4 firefighter would have received on the date of death.

5 The maximum pension limitations in this paragraph (d)
6 do not control over any contrary provision of this Article
7 explicitly establishing a minimum amount of pension or
8 granting a one-time or annual increase in pension.

9 (e) If a firefighter leaves no eligible survivors under
10 paragraphs (a), (b) and (c), the board shall refund to the
11 firefighter's estate the amount of his or her accumulated
12 contributions, less the amount of pension payments, if any,
13 made to the firefighter while living.

14 (f) (Blank).

15 (g) If a judgment of dissolution of marriage between a
16 firefighter and spouse is judicially set aside subsequent
17 to the firefighter's death, the surviving spouse is
18 eligible for the pension provided in paragraph (a) only if
19 the judicial proceedings are filed within 2 years after the
20 date of the dissolution of marriage and within one year
21 after the firefighter's death and the board is made a party
22 to the proceedings. In such case the pension shall be
23 payable only from the date of the court's order setting
24 aside the judgment of dissolution of marriage.

25 (h) Benefits payable on account of a child under this
26 Section shall not be reduced or terminated by reason of the

1 child's attainment of age 18 if he or she is then dependent
2 by reason of a physical or mental disability but shall
3 continue to be paid as long as such dependency continues.
4 Individuals over the age of 18 and adjudged as a disabled
5 person pursuant to Article XIa of the Probate Act of 1975,
6 except for persons receiving benefits under Article III of
7 the Illinois Public Aid Code, shall be eligible to receive
8 benefits under this Act.

9 (i) Beginning January 1, 2000, the pension of the
10 surviving spouse of a firefighter who dies on or after
11 January 1, 1994 as a result of sickness, accident, or
12 injury incurred in or resulting from the performance of an
13 act of duty or from the cumulative effects of acts of duty
14 shall not be less than 100% of the salary attached to the
15 rank held by the deceased firefighter on the last day of
16 service, notwithstanding subsection (d) or any other
17 provision of this Article.

18 (j) Beginning July 1, 2004, the pension of the
19 surviving spouse of a firefighter who dies on or after
20 January 1, 1988 as a result of sickness, accident, or
21 injury incurred in or resulting from the performance of an
22 act of duty or from the cumulative effects of acts of duty
23 shall not be less than 100% of the salary attached to the
24 rank held by the deceased firefighter on the last day of
25 service, notwithstanding subsection (d) or any other
26 provision of this Article.

1 Notwithstanding any other provision of this Article, if a
2 person who first becomes a firefighter under this Article on or
3 after January 1, 2011 and who is not receiving a disability
4 pension under Section 4-110 or 4-110.1 dies (1) as a result of
5 any illness or accident, (2) from any cause while in receipt of
6 a disability pension under this Article, (3) during retirement
7 after 20 years service, (4) while vested for or in receipt of a
8 pension payable under subsection (b) of Section 4-109, or (5)
9 while a deferred pensioner, having made all required
10 contributions, then a pension shall be paid to his or her
11 survivors in the amount of 66 2/3% of the firefighter's earned
12 pension at the date of death. Nothing in this Section shall act
13 to diminish the survivor's benefits described in subsection (j)
14 of this Section.

15 Notwithstanding any other provision of this Article, the
16 monthly pension of a survivor of a person who first becomes a
17 firefighter under this Article on or after January 1, 2011
18 shall be increased on the January 1 after attainment of age 60
19 by the recipient of the survivor's pension and each January 1
20 thereafter by 3% or one-half the annual unadjusted percentage
21 increase in the consumer price index-u for the 12 months ending
22 with the September preceding each November 1, whichever is
23 less, of the originally granted survivor's pension. If the
24 annual unadjusted percentage change in the consumer price
25 index-u for a 12-month period ending in September is zero or,
26 when compared with the preceding period, decreases, then the

1 survivor's pension shall not be increased.

2 For the purposes of this Section, "consumer price index-u"
3 means the index published by the Bureau of Labor Statistics of
4 the United States Department of Labor that measures the average
5 change in prices of goods and services purchased by all urban
6 consumers, United States city average, all items, 1982-84 =
7 100. The new amount resulting from each annual adjustment shall
8 be determined by the Public Pension Division of the Department
9 of Insurance and made available to the boards of the pension
10 funds.

11 (Source: P.A. 98-391, eff. 8-16-13; revised 10-7-13.)

12 (40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)

13 Sec. 8-138. Minimum annuities - Additional provisions.

14 (a) An employee who withdraws after age 65 or more with at
15 least 20 years of service, for whom the amount of age and
16 service and prior service annuity combined is less than the
17 amount stated in this Section, shall from the date of
18 withdrawal, instead of all annuities otherwise provided, be
19 entitled to receive an annuity for life of \$150 a year, plus 1
20 1/2% for each year of service, to and including 20 years, and 1
21 2/3% for each year of service over 20 years, of his highest
22 average annual salary for any 4 consecutive years within the
23 last 10 years of service immediately preceding the date of
24 withdrawal.

25 An employee who withdraws after 20 or more years of

1 service, before age 65, shall be entitled to such annuity, to
2 begin not earlier than upon attained age of 55 years if under
3 such age at withdrawal, reduced by 2% for each full year or
4 fractional part thereof that his attained age is less than 65,
5 plus an additional 2% reduction for each full year or
6 fractional part thereof that his attained age when annuity is
7 to begin is less than 60 so that the total reduction at age 55
8 shall be 30%.

9 (b) An employee who withdraws after July 1, 1957, at age 60
10 or over, with 20 or more years of service, for whom the age and
11 service and prior service annuity combined, is less than the
12 amount stated in this paragraph, shall, from the date of
13 withdrawal, instead of such annuities, be entitled to receive
14 an annuity for life equal to 1 2/3% for each year of service,
15 of the highest average annual salary for any 5 consecutive
16 years within the last 10 years of service immediately preceding
17 the date of withdrawal; provided, that in the case of any
18 employee who withdraws on or after July 1, 1971, such employee
19 age 60 or over with 20 or more years of service, shall receive
20 an annuity for life equal to 1.67% for each of the first 10
21 years of service; 1.90% for each of the next 10 years of
22 service; 2.10% for each year of service in excess of 20 but not
23 exceeding 30; and 2.30% for each year of service in excess of
24 30, based on the highest average annual salary for any 4
25 consecutive years within the last 10 years of service
26 immediately preceding the date of withdrawal.

1 An employee who withdraws after July 1, 1957 and before
2 January 1, 1988, with 20 or more years of service, before age
3 60 years is entitled to annuity, to begin not earlier than upon
4 attained age of 55 years, if under such age at withdrawal, as
5 computed in the last preceding paragraph, reduced 0.25% for
6 each full month or fractional part thereof that his attained
7 age when annuity is to begin is less than 60 if the employee
8 was born before January 1, 1936, or 0.5% for each such month if
9 the employee was born on or after January 1, 1936.

10 Any employee born before January 1, 1936, who withdraws
11 with 20 or more years of service, and any employee with 20 or
12 more years of service who withdraws on or after January 1,
13 1988, may elect to receive, in lieu of any other employee
14 annuity provided in this Section, an annuity for life equal to
15 1.80% for each of the first 10 years of service, 2.00% for each
16 of the next 10 years of service, 2.20% for each year of service
17 in excess of 20 but not exceeding 30, and 2.40% for each year
18 of service in excess of 30, of the highest average annual
19 salary for any 4 consecutive years within the last 10 years of
20 service immediately preceding the date of withdrawal, to begin
21 not earlier than upon attained age of 55 years, if under such
22 age at withdrawal, reduced 0.25% for each full month or
23 fractional part thereof that his attained age when annuity is
24 to begin is less than 60; except that an employee retiring on
25 or after January 1, 1988, at age 55 or over but less than age
26 60, having at least 35 years of service, or an employee

1 retiring on or after July 1, 1990, at age 55 or over but less
2 than age 60, having at least 30 years of service, or an
3 employee retiring on or after the effective date of this
4 amendatory Act of 1997, at age 55 or over but less than age 60,
5 having at least 25 years of service, shall not be subject to
6 the reduction in retirement annuity because of retirement below
7 age 60.

8 However, in the case of an employee who retired on or after
9 January 1, 1985 but before January 1, 1988, at age 55 or older
10 and with at least 35 years of service, and who was subject
11 under this subsection (b) to the reduction in retirement
12 annuity because of retirement below age 60, that reduction
13 shall cease to be effective January 1, 1991, and the retirement
14 annuity shall be recalculated accordingly.

15 Any employee who withdraws on or after July 1, 1990, with
16 20 or more years of service, may elect to receive, in lieu of
17 any other employee annuity provided in this Section, an annuity
18 for life equal to 2.20% for each year of service if withdrawal
19 is before January 1, 2002, or 2.40% for each year of service if
20 withdrawal is on or after January 1, 2002, of the highest
21 average annual salary for any 4 consecutive years within the
22 last 10 years of service immediately preceding the date of
23 withdrawal, to begin not earlier than upon attained age of 55
24 years, if under such age at withdrawal, reduced 0.25% for each
25 full month or fractional part thereof that his attained age
26 when annuity is to begin is less than 60; except that an

1 employee retiring at age 55 or over but less than age 60,
2 having at least 30 years of service, shall not be subject to
3 the reduction in retirement annuity because of retirement below
4 age 60.

5 Any employee who withdraws on or after the effective date
6 of this amendatory Act of 1997 with 20 or more years of service
7 may elect to receive, in lieu of any other employee annuity
8 provided in this Section, an annuity for life equal to 2.20%
9 for each year of service, if withdrawal is before January 1,
10 2002, or 2.40% for each year of service if withdrawal is on or
11 after January 1, 2002, of the highest average annual salary for
12 any 4 consecutive years within the last 10 years of service
13 immediately preceding the date of withdrawal, to begin not
14 earlier than upon attainment of age 55 (age 50 if the employee
15 has at least 30 years of service), reduced 0.25% for each full
16 month or remaining fractional part thereof that the employee's
17 attained age when annuity is to begin is less than 60; except
18 that an employee retiring at age 50 or over with at least 30
19 years of service or at age 55 or over with at least 25 years of
20 service shall not be subject to the reduction in retirement
21 annuity because of retirement below age 60.

22 The maximum annuity payable under part (a) and (b) of this
23 Section shall not exceed 70% of highest average annual salary
24 in the case of an employee who withdraws prior to July 1, 1971,
25 75% if withdrawal takes place on or after July 1, 1971 and
26 prior to January 1, 2002, or 80% if withdrawal takes place on

1 or after January 1, 2002. For the purpose of the minimum
2 annuity provided in this Section \$1,500 is considered the
3 minimum annual salary for any year; and the maximum annual
4 salary for the computation of such annuity is \$4,800 for any
5 year before 1953, \$6000 for the years 1953 to 1956, inclusive,
6 and the actual annual salary, as salary is defined in this
7 Article, for any year thereafter.

8 To preserve rights existing on December 31, 1959, for
9 participants and contributors on that date to the fund created
10 by the Court and Law Department Employees' Annuity Act, who
11 became participants in the fund provided for on January 1,
12 1960, the maximum annual salary to be considered for such
13 persons for the years 1955 and 1956 is \$7,500.

14 (c) For an employee receiving disability benefit, his
15 salary for annuity purposes under paragraphs (a) and (b) of
16 this Section, for all periods of disability benefit subsequent
17 to the year 1956, is the amount on which his disability benefit
18 was based.

19 (d) An employee with 20 or more years of service, whose
20 entire disability benefit credit period expires before
21 attainment of age 55 while still disabled for service, is
22 entitled upon withdrawal to the larger of (1) the minimum
23 annuity provided above, assuming he is then age 55, and
24 reducing such annuity to its actuarial equivalent as of his
25 attained age on such date or (2) the annuity provided from his
26 age and service and prior service annuity credits.

1 (e) The minimum annuity provisions do not apply to any
2 former municipal employee receiving an annuity from the fund
3 who re-enters service as a municipal employee, unless he
4 renders at least 3 years of additional service after the date
5 of re-entry.

6 (f) An employee in service on July 1, 1947, or who became a
7 contributor after July 1, 1947 and before attainment of age 70,
8 who withdraws after age 65, with less than 20 years of service
9 for whom the annuity has been fixed under this Article shall,
10 instead of the annuity so fixed, receive an annuity as follows:

11 Such amount as he could have received had the accumulated
12 amounts for annuity been improved with interest at the
13 effective rate to the date of his withdrawal, or to attainment
14 of age 70, whichever is earlier, and had the city contributed
15 to such earlier date for age and service annuity the amount
16 that it would have contributed had he been under age 65, after
17 the date his annuity was fixed in accordance with this Article,
18 and assuming his annuity were computed from such accumulations
19 as of his age on such earlier date. The annuity so computed
20 shall not exceed the annuity which would be payable under the
21 other provisions of this Section if the employee was credited
22 with 20 years of service and would qualify for annuity
23 thereunder.

24 (g) Instead of the annuity provided in this Article, an
25 employee having attained age 65 with at least 15 years of
26 service who withdraws from service on or after July 1, 1971 and

1 whose annuity computed under other provisions of this Article
2 is less than the amount provided under this paragraph, is
3 entitled to a minimum annuity for life equal to 1% of the
4 highest average annual salary, as salary is defined and limited
5 in this Section for any 4 consecutive years within the last 10
6 years of service for each year of service, plus the sum of \$25
7 for each year of service. The annuity shall not exceed 60% of
8 such highest average annual salary.

9 (g-1) Instead of any other retirement annuity provided in
10 this Article, an employee who has at least 10 years of service
11 and withdraws from service on or after January 1, 1999 may
12 elect to receive a retirement annuity for life, beginning no
13 earlier than upon attainment of age 60, equal to 2.2% if
14 withdrawal is before January 1, 2002, or 2.4% if withdrawal is
15 on or after January 1, 2002, of final average salary for each
16 year of service, subject to a maximum of 75% of final average
17 salary if withdrawal is before January 1, 2002, or 80% if
18 withdrawal is on or after January 1, 2002. For the purpose of
19 calculating this annuity, "final average salary" means the
20 highest average annual salary for any 4 consecutive years in
21 the last 10 years of service. ~~Notwithstanding~~ ~~Notwithstanding~~
22 any provision of this subsection to the contrary, the "final
23 average salary" for a participant that received credit under
24 subsection (c) of Section 8-226 means the highest average
25 salary for any 4 consecutive years (or any 8 consecutive years
26 if the employee first became a participant on or after January

1 1, 2011) in the 10 years immediately prior to the leave of
2 absence, and adding to that highest average salary, the product
3 of (i) that highest average salary, (ii) the average percentage
4 increase in the Consumer Price Index during each 12-month
5 calendar year for the calendar years during the participant's
6 leave of absence, and (iii) the length of the leave of absence
7 in years, provided that this shall not exceed the participant's
8 salary at the local labor organization. For purposes of this
9 Section, the Consumer Price Index is the Consumer Price Index
10 for All Urban Consumers for all items published by the United
11 States Department of Labor.

12 (h) The minimum annuities provided under this Section shall
13 be paid in equal monthly installments.

14 (i) The amendatory provisions of part (b) and (g) of this
15 Section shall be effective July 1, 1971 and apply in the case
16 of every qualifying employee withdrawing on or after July 1,
17 1971.

18 (j) The amendatory provisions of this amendatory Act of
19 1985 (P.A. 84-23) relating to the discount of annuity because
20 of retirement prior to attainment of age 60, and to the
21 retirement formula, for those born before January 1, 1936,
22 shall apply only to qualifying employees withdrawing on or
23 after July 18, 1985.

24 (j-1) The changes made to this Section by Public Act 92-609
25 (increasing the retirement formula to 2.4% per year of service
26 and increasing the maximum to 80%) apply to persons who

1 withdraw from service on or after January 1, 2002, regardless
2 of whether that withdrawal takes place before the effective
3 date of that Act. In the case of a person who withdraws from
4 service on or after January 1, 2002 but begins to receive a
5 retirement annuity before July 1, 2002, the annuity shall be
6 recalculated, with the increase resulting from Public Act
7 92-609 accruing from the date the retirement annuity began. The
8 changes made by Public Act 92-609 control over the changes made
9 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

10 (k) Beginning on January 1, 1999, the minimum amount of
11 employee's annuity shall be \$850 per month for life for the
12 following classes of employees, without regard to the fact that
13 withdrawal occurred prior to the effective date of this
14 amendatory Act of 1998:

15 (1) any employee annuitant alive and receiving a life
16 annuity on the effective date of this amendatory Act of
17 1998, except a reciprocal annuity;

18 (2) any employee annuitant alive and receiving a term
19 annuity on the effective date of this amendatory Act of
20 1998, except a reciprocal annuity;

21 (3) any employee annuitant alive and receiving a
22 reciprocal annuity on the effective date of this amendatory
23 Act of 1998, whose service in this fund is at least 5
24 years;

25 (4) any employee annuitant withdrawing after age 60 on
26 or after the effective date of this amendatory Act of 1998,

1 with at least 10 years of service in this fund.

2 The increases granted under items (1), (2) and (3) of this
3 subsection (k) shall not be limited by any other Section of
4 this Act.

5 (Source: P.A. 97-651, eff. 1-5-12; revised 9-16-13.)

6 (40 ILCS 5/9-102) (from Ch. 108 1/2, par. 9-102)

7 Sec. 9-102. Terms defined. The terms used in this Article
8 have the meanings ascribed to them in the Sections following
9 this Section and preceding Section 9-120 ~~Sections 9-103 to~~
10 ~~9-119, inclusive~~, except when the context otherwise requires.

11 (Source: Laws 1963, p. 161; revised 11-13-13.)

12 (40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)

13 Sec. 11-134. Minimum annuities.

14 (a) An employee whose withdrawal occurs after July 1, 1957
15 at age 60 or over, with 20 or more years of service, (as
16 service is defined or computed in Section 11-216), for whom the
17 age and service and prior service annuity combined is less than
18 the amount stated in this Section, shall, from and after the
19 date of withdrawal, in lieu of all annuities otherwise provided
20 in this Article, be entitled to receive an annuity for life of
21 an amount equal to 1 2/3% for each year of service, of the
22 highest average annual salary for any 5 consecutive years
23 within the last 10 years of service immediately preceding the
24 date of withdrawal; provided, that in the case of any employee

1 who withdraws on or after July 1, 1971, such employee age 60 or
2 over with 20 or more years of service, shall be entitled to
3 instead receive an annuity for life equal to 1.67% for each of
4 the first 10 years of service; 1.90% for each of the next 10
5 years of service; 2.10% for each year of service in excess of
6 20 but not exceeding 30; and 2.30% for each year of service in
7 excess of 30, based on the highest average annual salary for
8 any 4 consecutive years within the last 10 years of service
9 immediately preceding the date of withdrawal.

10 An employee who withdraws after July 1, 1957 and before
11 January 1, 1988, with 20 or more years of service, before age
12 60, shall be entitled to an annuity, to begin not earlier than
13 age 55, if under such age at withdrawal, as computed in the
14 last preceding paragraph, reduced 0.25% if the employee was
15 born before January 1, 1936, or 0.5% if the employee was born
16 on or after January 1, 1936, for each full month or fractional
17 part thereof that his attained age when such annuity is to
18 begin is less than 60.

19 Any employee born before January 1, 1936 who withdraws with
20 20 or more years of service, and any employee with 20 or more
21 years of service who withdraws on or after January 1, 1988, may
22 elect to receive, in lieu of any other employee annuity
23 provided in this Section, an annuity for life equal to 1.80%
24 for each of the first 10 years of service, 2.00% for each of
25 the next 10 years of service, 2.20% for each year of service in
26 excess of 20, but not exceeding 30, and 2.40% for each year of

1 service in excess of 30, of the highest average annual salary
2 for any 4 consecutive years within the last 10 years of service
3 immediately preceding the date of withdrawal, to begin not
4 earlier than upon attained age of 55 years, if under such age
5 at withdrawal, reduced 0.25% for each full month or fractional
6 part thereof that his attained age when annuity is to begin is
7 less than 60; except that an employee retiring on or after
8 January 1, 1988, at age 55 or over but less than age 60, having
9 at least 35 years of service, or an employee retiring on or
10 after July 1, 1990, at age 55 or over but less than age 60,
11 having at least 30 years of service, or an employee retiring on
12 or after the effective date of this amendatory Act of 1997, at
13 age 55 or over but less than age 60, having at least 25 years of
14 service, shall not be subject to the reduction in retirement
15 annuity because of retirement below age 60.

16 However, in the case of an employee who retired on or after
17 January 1, 1985 but before January 1, 1988, at age 55 or older
18 and with at least 35 years of service, and who was subject
19 under this subsection (a) to the reduction in retirement
20 annuity because of retirement below age 60, that reduction
21 shall cease to be effective January 1, 1991, and the retirement
22 annuity shall be recalculated accordingly.

23 Any employee who withdraws on or after July 1, 1990, with
24 20 or more years of service, may elect to receive, in lieu of
25 any other employee annuity provided in this Section, an annuity
26 for life equal to 2.20% for each year of service if withdrawal

1 is before January 1, 2002, or 2.40% for each year of service if
2 withdrawal is on or after January 1, 2002, of the highest
3 average annual salary for any 4 consecutive years within the
4 last 10 years of service immediately preceding the date of
5 withdrawal, to begin not earlier than upon attained age of 55
6 years, if under such age at withdrawal, reduced 0.25% for each
7 full month or fractional part thereof that his attained age
8 when annuity is to begin is less than 60; except that an
9 employee retiring at age 55 or over but less than age 60,
10 having at least 30 years of service, shall not be subject to
11 the reduction in retirement annuity because of retirement below
12 age 60.

13 Any employee who withdraws on or after the effective date
14 of this amendatory Act of 1997 with 20 or more years of service
15 may elect to receive, in lieu of any other employee annuity
16 provided in this Section, an annuity for life equal to 2.20%
17 for each year of service if withdrawal is before January 1,
18 2002, or 2.40% for each year of service if withdrawal is on or
19 after January 1, 2002, of the highest average annual salary for
20 any 4 consecutive years within the last 10 years of service
21 immediately preceding the date of withdrawal, to begin not
22 earlier than upon attainment of age 55 (age 50 if the employee
23 has at least 30 years of service), reduced 0.25% for each full
24 month or remaining fractional part thereof that the employee's
25 attained age when annuity is to begin is less than 60; except
26 that an employee retiring at age 50 or over with at least 30

1 years of service or at age 55 or over with at least 25 years of
2 service shall not be subject to the reduction in retirement
3 annuity because of retirement below age 60.

4 The maximum annuity payable under this paragraph (a) of
5 this Section shall not exceed 70% of highest average annual
6 salary in the case of an employee who withdraws prior to July
7 1, 1971, 75% if withdrawal takes place on or after July 1, 1971
8 and prior to January 1, 2002, or 80% if withdrawal is on or
9 after January 1, 2002. For the purpose of the minimum annuity
10 provided in said paragraphs \$1,500 shall be considered the
11 minimum annual salary for any year; and the maximum annual
12 salary to be considered for the computation of such annuity
13 shall be \$4,800 for any year prior to 1953, \$6,000 for the
14 years 1953 to 1956, inclusive, and the actual annual salary, as
15 salary is defined in this Article, for any year thereafter.

16 (b) For an employee receiving disability benefit, his
17 salary for annuity purposes under this Section shall, for all
18 periods of disability benefit subsequent to the year 1956, be
19 the amount on which his disability benefit was based.

20 (c) An employee with 20 or more years of service, whose
21 entire disability benefit credit period expires prior to
22 attainment of age 55 while still disabled for service, shall be
23 entitled upon withdrawal to the larger of (1) the minimum
24 annuity provided above assuming that he is then age 55, and
25 reducing such annuity to its actuarial equivalent at his
26 attained age on such date, or (2) the annuity provided from his

1 age and service and prior service annuity credits.

2 (d) The minimum annuity provisions as aforesaid shall not
3 apply to any former employee receiving an annuity from the
4 fund, and who re-enters service as an employee, unless he
5 renders at least 3 years of additional service after the date
6 of re-entry.

7 (e) An employee in service on July 1, 1947, or who became a
8 contributor after July 1, 1947 and prior to July 1, 1950, or
9 who shall become a contributor to the fund after July 1, 1950
10 prior to attainment of age 70, who withdraws after age 65 with
11 less than 20 years of service, for whom the annuity has been
12 fixed under the foregoing Sections of this Article shall, in
13 lieu of the annuity so fixed, receive an annuity as follows:

14 Such amount as he could have received had the accumulated
15 amounts for annuity been improved with interest at the
16 effective rate to the date of his withdrawal, or to attainment
17 of age 70, whichever is earlier, and had the city contributed
18 to such earlier date for age and service annuity the amount
19 that would have been contributed had he been under age 65,
20 after the date his annuity was fixed in accordance with this
21 Article, and assuming his annuity were computed from such
22 accumulations as of his age on such earlier date. The annuity
23 so computed shall not exceed the annuity which would be payable
24 under the other provisions of this Section if the employee was
25 credited with 20 years of service and would qualify for annuity
26 thereunder.

1 (f) In lieu of the annuity provided in this or in any other
2 Section of this Article, an employee having attained age 65
3 with at least 15 years of service who withdraws from service on
4 or after July 1, 1971 and whose annuity computed under other
5 provisions of this Article is less than the amount provided
6 under this paragraph shall be entitled to receive a minimum
7 annual annuity for life equal to 1% of the highest average
8 annual salary for any 4 consecutive years within the last 10
9 years of service immediately preceding retirement for each year
10 of his service plus the sum of \$25 for each year of service.
11 Such annual annuity shall not exceed the maximum percentages
12 stated under paragraph (a) of this Section of such highest
13 average annual salary.

14 (f-1) Instead of any other retirement annuity provided in
15 this Article, an employee who has at least 10 years of service
16 and withdraws from service on or after January 1, 1999 may
17 elect to receive a retirement annuity for life, beginning no
18 earlier than upon attainment of age 60, equal to 2.2% if
19 withdrawal is before January 1, 2002, or 2.4% for each year of
20 service if withdrawal is on or after January 1, 2002, of final
21 average salary for each year of service, subject to a maximum
22 of 75% of final average salary if withdrawal is before January
23 1, 2002, or 80% if withdrawal is on or after January 1, 2002.
24 For the purpose of calculating this annuity, "final average
25 salary" means the highest average annual salary for any 4
26 consecutive years in the last 10 years of service.

1 Notwithstanding ~~Notwithstanding~~ any provision of this
2 subsection to the contrary, the "final average salary" for a
3 participant that received credit under item (3) of subsection
4 (c) of Section 11-215 means the highest average salary for any
5 4 consecutive years (or any 8 consecutive years if the employee
6 first became a participant on or after January 1, 2011) in the
7 10 years immediately prior to the leave of absence, and adding
8 to that highest average salary, the product of (i) that highest
9 average salary, (ii) the average percentage increase in the
10 Consumer Price Index during each 12-month calendar year for the
11 calendar years during the participant's leave of absence, and
12 (iii) the length of the leave of absence in years, provided
13 that this shall not exceed the participant's salary at the
14 local labor organization. For purposes of this Section, the
15 Consumer Price Index is the Consumer Price Index for All Urban
16 Consumers for all items published by the United States
17 Department of Labor.

18 (g) Any annuity payable under the preceding subsections of
19 this Section 11-134 shall be paid in equal monthly
20 installments.

21 (h) The amendatory provisions of part (a) and (f) of this
22 Section shall be effective July 1, 1971 and apply in the case
23 of every qualifying employee withdrawing on or after July 1,
24 1971.

25 (h-1) The changes made to this Section by Public Act 92-609
26 (increasing the retirement formula to 2.4% per year of service

1 and increasing the maximum to 80%) apply to persons who
2 withdraw from service on or after January 1, 2002, regardless
3 of whether that withdrawal takes place before the effective
4 date of that Act. In the case of a person who withdraws from
5 service on or after January 1, 2002 but begins to receive a
6 retirement annuity before July 1, 2002, the annuity shall be
7 recalculated, with the increase resulting from Public Act
8 92-609 accruing from the date the retirement annuity began. The
9 changes made by Public Act 92-609 control over the changes made
10 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

11 (i) The amendatory provisions of this amendatory Act of
12 1985 relating to the discount of annuity because of retirement
13 prior to attainment of age 60 and increasing the retirement
14 formula for those born before January 1, 1936, shall apply only
15 to qualifying employees withdrawing on or after August 16,
16 1985.

17 (j) Beginning on January 1, 1999, the minimum amount of
18 employee's annuity shall be \$850 per month for life for the
19 following classes of employees, without regard to the fact that
20 withdrawal occurred prior to the effective date of this
21 amendatory Act of 1998:

22 (1) any employee annuitant alive and receiving a life
23 annuity on the effective date of this amendatory Act of
24 1998, except a reciprocal annuity;

25 (2) any employee annuitant alive and receiving a term
26 annuity on the effective date of this amendatory Act of

1 1998, except a reciprocal annuity;

2 (3) any employee annuitant alive and receiving a
3 reciprocal annuity on the effective date of this amendatory
4 Act of 1998, whose service in this fund is at least 5
5 years;

6 (4) any employee annuitant withdrawing after age 60 on
7 or after the effective date of this amendatory Act of 1998,
8 with at least 10 years of service in this fund.

9 The increases granted under items (1), (2) and (3) of this
10 subsection (j) shall not be limited by any other Section of
11 this Act.

12 (Source: P.A. 97-651, eff. 1-5-12; revised 9-16-13.)

13 (40 ILCS 5/13-809) (from Ch. 108 1/2, par. 13-809)

14 Sec. 13-809. Administrative review. The provisions of the
15 Administrative Review Law Act, and all amendments and
16 modifications thereof and the rules adopted pursuant thereto
17 shall apply to and govern all proceedings for the judicial
18 review of final administrative decisions of the Retirement
19 Board provided for under this Article. The term "administrative
20 decision" is as defined in Section 3-101 of the Code of Civil
21 Procedure.

22 (Source: P.A. 87-794; revised 10-7-13.)

23 Section 225. The Illinois Police Training Act is amended by
24 changing Section 7 and by setting forth and renumbering

1 multiple versions of Section 10.14 as follows:

2 (50 ILCS 705/7) (from Ch. 85, par. 507)

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 police officers which
7 shall be offered by all certified schools shall include but not
8 be limited to courses of arrest, search and seizure, civil
9 rights, human relations, cultural diversity, including racial
10 and ethnic sensitivity, criminal law, law of criminal
11 procedure, vehicle and traffic law including uniform and
12 non-discriminatory enforcement of the Illinois Vehicle Code,
13 traffic control and accident investigation, techniques of
14 obtaining physical evidence, court testimonies, statements,
15 reports, firearms training, training in the use of electronic
16 control devices, including the psychological and physiological
17 effects of the use of those devices on humans, first-aid
18 (including cardiopulmonary resuscitation), handling of
19 juvenile offenders, recognition of mental conditions which
20 require immediate assistance and methods to safeguard and
21 provide assistance to a person in need of mental treatment,
22 recognition of abuse, neglect, financial exploitation, and
23 self-neglect of adults with disabilities and older adults, as
24 defined in Section 2 of the Adult Protective Services Act,
25 crimes against the elderly, law of evidence, the hazards of

1 high-speed police vehicle chases with an emphasis on
2 alternatives to the high-speed chase, and physical training.
3 The curriculum shall include specific training in techniques
4 for immediate response to and investigation of cases of
5 domestic violence and of sexual assault of adults and children.
6 The curriculum shall include training in techniques designed to
7 promote effective communication at the initial contact with
8 crime victims and ways to comprehensively explain to victims
9 and witnesses their rights under the Rights of Crime Victims
10 and Witnesses Act and the Crime Victims Compensation Act. The
11 curriculum shall also include a block of instruction aimed at
12 identifying and interacting with persons with autism and other
13 developmental disabilities, reducing barriers to reporting
14 crimes against persons with autism, and addressing the unique
15 challenges presented by cases involving victims or witnesses
16 with autism and other developmental disabilities. The
17 curriculum for permanent police officers shall include but not
18 be limited to (1) refresher and in-service training in any of
19 the courses listed above in this subparagraph, (2) advanced
20 courses in any of the subjects listed above in this
21 subparagraph, (3) training for supervisory personnel, and (4)
22 specialized training in subjects and fields to be selected by
23 the board. The training in the use of electronic control
24 devices shall be conducted for probationary police officers,
25 including University police officers.

26 b. Minimum courses of study, attendance requirements and

1 equipment requirements.

2 c. Minimum requirements for instructors.

3 d. Minimum basic training requirements, which a
4 probationary police officer must satisfactorily complete
5 before being eligible for permanent employment as a local law
6 enforcement officer for a participating local governmental
7 agency. Those requirements shall include training in first aid
8 (including cardiopulmonary resuscitation).

9 e. Minimum basic training requirements, which a
10 probationary county corrections officer must satisfactorily
11 complete before being eligible for permanent employment as a
12 county corrections officer for a participating local
13 governmental agency.

14 f. Minimum basic training requirements which a
15 probationary court security officer must satisfactorily
16 complete before being eligible for permanent employment as a
17 court security officer for a participating local governmental
18 agency. The Board shall establish those training requirements
19 which it considers appropriate for court security officers and
20 shall certify schools to conduct that training.

21 A person hired to serve as a court security officer must
22 obtain from the Board a certificate (i) attesting to his or her
23 successful completion of the training course; (ii) attesting to
24 his or her satisfactory completion of a training program of
25 similar content and number of hours that has been found
26 acceptable by the Board under the provisions of this Act; or

1 (iii) attesting to the Board's determination that the training
2 course is unnecessary because of the person's extensive prior
3 law enforcement experience.

4 Individuals who currently serve as court security officers
5 shall be deemed qualified to continue to serve in that capacity
6 so long as they are certified as provided by this Act within 24
7 months of the effective date of this amendatory Act of 1996.
8 Failure to be so certified, absent a waiver from the Board,
9 shall cause the officer to forfeit his or her position.

10 All individuals hired as court security officers on or
11 after the effective date of this amendatory Act of 1996 shall
12 be certified within 12 months of the date of their hire, unless
13 a waiver has been obtained by the Board, or they shall forfeit
14 their positions.

15 The Sheriff's Merit Commission, if one exists, or the
16 Sheriff's Office if there is no Sheriff's Merit Commission,
17 shall maintain a list of all individuals who have filed
18 applications to become court security officers and who meet the
19 eligibility requirements established under this Act. Either
20 the Sheriff's Merit Commission, or the Sheriff's Office if no
21 Sheriff's Merit Commission exists, shall establish a schedule
22 of reasonable intervals for verification of the applicants'
23 qualifications under this Act and as established by the Board.

24 (Source: P.A. 97-815, eff. 1-1-13; 97-862, eff. 1-1-13; 98-49,
25 eff. 7-1-13; 98-358, eff. 1-1-14; 98-463, eff. 8-16-13; revised
26 9-11-13.)

1 (50 ILCS 705/10.14)

2 Sec. 10.14. Training; animal fighting awareness and humane
3 response. The Illinois Law Enforcement Training Standards
4 Board shall conduct or approve a training program in animal
5 fighting awareness and humane response for law enforcement
6 officers of local government agencies. The purpose of that
7 training shall be to equip law enforcement officers of local
8 government agencies to identify animal fighting operations and
9 respond appropriately. This training shall also include a
10 humane response component that will provide guidelines for
11 appropriate law enforcement response to animal abuse, cruelty,
12 and neglect, or similar condition, as well as training on
13 canine behavior and nonlethal ways to subdue a canine.

14 (Source: P.A. 98-311, eff. 1-1-14.)

15 (50 ILCS 705/10.15)

16 (Section scheduled to be repealed on July 1, 2016)

17 Sec. 10.15 ~~10.14~~. Electronic control devices used by local
18 law enforcement agencies; inspections.

19 (a) For the purposes of this Section, "electronic control
20 device" means:

21 (1) any device which is powered by electrical charging
22 units, such as, batteries, and which fires one or several
23 barbs attached to a length of wire and which, upon hitting
24 a human, can send out a current capable of disrupting the

1 person's nervous system in such a manner as to render the
2 person incapable of normal functioning; or

3 (2) any device which is powered by electrical charging
4 units, such as batteries, and which, upon contact with a
5 human or clothing worn by a human, can send out current
6 capable of disrupting the person's nervous system in such a
7 manner as to render the person incapable of normal
8 functioning.

9 (b) Beginning January 1, 2014 and ending December 31, 2015,
10 the Board shall randomly inspect police departments of units of
11 local government and university police departments concerning
12 the use of electronic control devices by law enforcement
13 officers of the departments to determine whether the officers
14 received appropriate training in their use. The Board shall
15 compile the information from the random inspections and analyze
16 the results.

17 (c) Based on the analysis required in subsection (b), the
18 Board shall issue a report and present its report and findings
19 to the Governor and General Assembly on or before June 30,
20 2016. The Board in its report may recommend legislation
21 concerning the use of electronic control devices by law
22 enforcement officers and the training of law enforcement
23 officers in the use of those devices.

24 (d) This Section is repealed on July 1, 2016.

25 (Source: P.A. 98-358, eff. 1-1-14; revised 10-17-13.)

1 Section 230. The Counties Code is amended by changing
2 Sections 3-3016.5, 3-5018, 5-1062.3, 5-12001.2, 5-44020, and
3 6-27005 and by setting forth and renumbering multiple versions
4 of Section 5-1134 as follows:

5 (55 ILCS 5/3-3016.5)

6 Sec. 3-3016.5. Sudden, unexpected death in epilepsy
7 (SUDEP).

8 (a) All autopsies conducted in this State shall include an
9 inquiry to determine whether the death was a direct result of a
10 seizure or epilepsy. If the findings in an autopsy of a medical
11 examiner, examining physician, or coroner are consistent with
12 known or suspected sudden, unexpected death in epilepsy
13 (SUDEP), then the medical examiner, examining physician, or
14 coroner shall:

15 (1) cause to be indicated on the death certificate that
16 SUDEP is the cause or suspected cause of death; and

17 (2) forward a copy of the death certificate to the
18 North American SUDEP Registry at the Langone Medical Center
19 at New York University within 30 days.

20 (b) For the purposes of this Section, "sudden, unexpected
21 death in epilepsy" refers to a death in a patient previously
22 diagnosed with epilepsy that is not due to trauma, drowning,
23 status epilepticus, or other known causes, but for which there
24 is often evidence of an associated seizure. A finding of
25 sudden, unexpected death in epilepsy is definite when clinical

1 criteria are met and autopsy reveals no alternative cause of
2 death, such as stroke, myocardial infarction, or drug
3 intoxication, although there may be evidence of a seizure.

4 (Source: P.A. 98-340, eff. 1-1-14; revised 10-8-13.)

5 (55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

6 Sec. 3-5018. Fees. The recorder elected as provided for in
7 this Division shall receive such fees as are or may be provided
8 for him or her by law, in case of provision therefor: otherwise
9 he or she shall receive the same fees as are or may be provided
10 in this Section, except when increased by county ordinance
11 pursuant to the provisions of this Section, to be paid to the
12 county clerk for his or her services in the office of recorder
13 for like services.

14 For recording deeds or other instruments, \$12 for the first
15 4 pages thereof, plus \$1 for each additional page thereof, plus
16 \$1 for each additional document number therein noted. The
17 aggregate minimum fee for recording any one instrument shall
18 not be less than \$12.

19 For recording deeds or other instruments wherein the
20 premises affected thereby are referred to by document number
21 and not by legal description, a fee of \$1 in addition to that
22 hereinabove referred to for each document number therein noted.

23 For recording assignments of mortgages, leases or liens,
24 \$12 for the first 4 pages thereof, plus \$1 for each additional
25 page thereof. However, except for leases and liens pertaining

1 to oil, gas and other minerals, whenever a mortgage, lease or
2 lien assignment assigns more than one mortgage, lease or lien
3 document, a \$7 fee shall be charged for the recording of each
4 such mortgage, lease or lien document after the first one.

5 For recording any document that affects an interest in real
6 property other than documents which solely affect or relate to
7 an easement for water, sewer, electricity, gas, telephone or
8 other public service, the recorder shall charge a fee of \$1 per
9 document to all filers of documents not filed by any State
10 agency, any unit of local government, or any school district.
11 Fifty cents of the \$1 fee hereby established shall be deposited
12 into the County General Revenue Fund. The remaining \$0.50 shall
13 be deposited into the Recorder's Automation Fund and may not be
14 appropriated or expended for any other purpose. The additional
15 amounts available to the recorder for expenditure from the
16 Recorder's Automation Fund shall not offset or reduce any other
17 county appropriations or funding for the office of the
18 recorder.

19 For recording maps or plats of additions or subdivisions
20 approved by the county or municipality (including the spreading
21 of the same of record in map case or other proper books) or
22 plats of condominiums, \$50 for the first page, plus \$1 for each
23 additional page thereof except that in the case of recording a
24 single page, legal size 8 1/2 x 14, plat of survey in which
25 there are no more than two lots or parcels of land, the fee
26 shall be \$12. In each county where such maps or plats are to be

1 recorded, the recorder may require the same to be accompanied
2 by such number of exact, true and legible copies thereof as the
3 recorder deems necessary for the efficient conduct and
4 operation of his or her office.

5 For non-certified copies of records, an amount not to
6 exceed one-half of the amount provided in this Section for
7 certified copies, according to a standard scale of fees,
8 established by county ordinance and made public. The provisions
9 of this paragraph shall not be applicable to any person or
10 entity who obtains non-certified copies of records in the
11 following manner: (i) in bulk for all documents recorded on any
12 given day in an electronic or paper format for a negotiated
13 amount less than the amount provided for in this paragraph for
14 non-certified copies, (ii) under a contractual relationship
15 with the recorder for a negotiated amount less than the amount
16 provided for in this paragraph for non-certified copies,
17 or (iii) by means of Internet access pursuant to Section
18 5-1106.1.

19 For certified copies of records, the same fees as for
20 recording, but in no case shall the fee for a certified copy of
21 a map or plat of an addition, subdivision or otherwise exceed
22 \$10.

23 Each certificate of such recorder of the recording of the
24 deed or other writing and of the date of recording the same
25 signed by such recorder, shall be sufficient evidence of the
26 recording thereof, and such certificate including the indexing

1 of record, shall be furnished upon the payment of the fee for
2 recording the instrument, and no additional fee shall be
3 allowed for the certificate or indexing.

4 The recorder shall charge an additional fee, in an amount
5 equal to the fee otherwise provided by law, for recording a
6 document (other than a document filed under the Plat Act or the
7 Uniform Commercial Code) that does not conform to the following
8 standards:

9 (1) The document shall consist of one or more
10 individual sheets measuring 8.5 inches by 11 inches, not
11 permanently bound and not a continuous form. Graphic
12 displays accompanying a document to be recorded that
13 measure up to 11 inches by 17 inches shall be recorded
14 without charging an additional fee.

15 (2) The document shall be legibly printed in black ink,
16 by hand, type, or computer. Signatures and dates may be in
17 contrasting colors if they will reproduce clearly.

18 (3) The document shall be on white paper of not less
19 than 20-pound weight and shall have a clean margin of at
20 least one-half inch on the top, the bottom, and each side.
21 Margins may be used for non-essential notations that will
22 not affect the validity of the document, including but not
23 limited to form numbers, page numbers, and customer
24 notations.

25 (4) The first page of the document shall contain a
26 blank space, measuring at least 3 inches by 5 inches, from

1 the upper right corner.

2 (5) The document shall not have any attachment stapled
3 or otherwise affixed to any page.

4 A document that does not conform to these standards shall not
5 be recorded except upon payment of the additional fee required
6 under this paragraph. This paragraph, as amended by this
7 amendatory Act of 1995, applies only to documents dated after
8 the effective date of this amendatory Act of 1995.

9 The county board of any county may provide for an
10 additional charge of \$3 for filing every instrument, paper, or
11 notice for record, (1) in order to defray the cost of
12 converting the county recorder's document storage system to
13 computers or micrographics and (2) in order to defray the cost
14 of providing access to records through the global information
15 system known as the Internet.

16 A special fund shall be set up by the treasurer of the
17 county and such funds collected pursuant to Public Act 83-1321
18 shall be used (1) for a document storage system to provide the
19 equipment, materials and necessary expenses incurred to help
20 defray the costs of implementing and maintaining such a
21 document records system and (2) for a system to provide
22 electronic access to those records.

23 The county board of any county that provides and maintains
24 a countywide map through a Geographic Information System (GIS)
25 may provide for an additional charge of \$3 for filing every
26 instrument, paper, or notice for record (1) in order to defray

1 the cost of implementing or maintaining the county's Geographic
2 Information System and (2) in order to defray the cost of
3 providing electronic or automated access to the county's
4 Geographic Information System or property records. Of that
5 amount, \$2 must be deposited into a special fund set up by the
6 treasurer of the county, and any moneys collected pursuant to
7 this amendatory Act of the 91st General Assembly and deposited
8 into that fund must be used solely for the equipment,
9 materials, and necessary expenses incurred in implementing and
10 maintaining a Geographic Information System and in order to
11 defray the cost of providing electronic access to the county's
12 Geographic Information System records. The remaining \$1 must be
13 deposited into the recorder's special funds created under
14 Section 3-5005.4. The recorder may, in his or her discretion,
15 use moneys in the funds created under Section 3-5005.4 to
16 defray the cost of implementing or maintaining the county's
17 Geographic Information System and to defray the cost of
18 providing electronic access to the county's Geographic
19 Information System records.

20 The recorder shall collect a \$9 Rental Housing Support
21 Program State surcharge for the recordation of any real
22 estate-related document. Payment of the Rental Housing Support
23 Program State surcharge shall be evidenced by a receipt that
24 shall be marked upon or otherwise affixed to the real
25 estate-related document by the recorder. The form of this
26 receipt shall be prescribed by the Department of Revenue and

1 the receipts shall be issued by the Department of Revenue to
2 each county recorder.

3 The recorder shall not collect the Rental Housing Support
4 Program State surcharge from any State agency, any unit of
5 local government or any school district.

6 On the 15th day of each month, each county recorder shall
7 report to the Department of Revenue, on a form prescribed by
8 the Department, the number of real estate-related documents
9 recorded for which the Rental Housing Support Program State
10 surcharge was collected. Each recorder shall submit \$9 of each
11 surcharge collected in the preceding month to the Department of
12 Revenue and the Department shall deposit these amounts in the
13 Rental Housing Support Program Fund. Subject to appropriation,
14 amounts in the Fund may be expended only for the purpose of
15 funding and administering the Rental Housing Support Program.

16 For purposes of this Section, "real estate-related
17 document" means that term as it is defined in Section 7 of the
18 Rental Housing Support Program Act.

19 The foregoing fees allowed by this Section are the maximum
20 fees that may be collected from any officer, agency, department
21 or other instrumentality of the State. The county board may,
22 however, by ordinance, increase the fees allowed by this
23 Section and collect such increased fees from all persons and
24 entities other than officers, agencies, departments and other
25 instrumentalities of the State if the increase is justified by
26 an acceptable cost study showing that the fees allowed by this

1 Section are not sufficient to cover the cost of providing the
2 service. Regardless of any other provision in this Section, the
3 maximum fee that may be collected from the Department of
4 Revenue for filing or indexing a lien, certificate of lien
5 release or subordination, or any other type of notice or other
6 documentation affecting or concerning a lien is \$5. Regardless
7 of any other provision in this Section, the maximum fee that
8 may be collected from the Department of Revenue for indexing
9 each additional name in excess of one for any lien, certificate
10 of lien release or subordination, or any other type of notice
11 or other documentation affecting or concerning a lien is \$1.

12 A statement of the costs of providing each service, program
13 and activity shall be prepared by the county board. All
14 supporting documents shall be public record and subject to
15 public examination and audit. All direct and indirect costs, as
16 defined in the United States Office of Management and Budget
17 Circular A-87, may be included in the determination of the
18 costs of each service, program and activity.

19 (Source: P.A. 98-5, eff. 3-22-13; 98-217, eff. 8-9-13; revised
20 9-24-13.)

21 (55 ILCS 5/5-1062.3)

22 Sec. 5-1062.3. Stormwater management; DuPage and Peoria
23 Counties.

24 (a) The purpose of this Section is to allow management and
25 mitigation of the effects of urbanization on stormwater

1 drainage in the metropolitan counties of DuPage and Peoria, and
2 references to "county" in this Section apply only to those
3 counties. This Section does not apply to a municipality that
4 only partially lies within one of these counties and, on the
5 effective date of this amendatory Act of the 98th General
6 Assembly, is served by an existing Section in the Counties Code
7 regarding stormwater management. The purpose of this Section
8 shall be achieved by:

9 (1) consolidating the existing stormwater management
10 framework into a united, countywide structure;

11 (2) setting minimum standards for floodplain and
12 stormwater management; and

13 (3) preparing a countywide plan for the management of
14 stormwater runoff, including the management of natural and
15 man-made drainageways. The countywide plan may incorporate
16 watershed plans.

17 (b) A stormwater management planning committee may be
18 established by county board resolution, with its membership
19 consisting of equal numbers of county board and municipal
20 representatives from each county board district, and such other
21 members as may be determined by the county and municipal
22 members. If the county has more than 6 county board districts,
23 however, the county board may by ordinance divide the county
24 into not less than 6 areas of approximately equal population,
25 to be used instead of county board districts for the purpose of
26 determining representation on the stormwater management

1 planning committee.

2 The county board members shall be appointed by the chairman
3 of the county board. Municipal members from each county board
4 district or other represented area shall be appointed by a
5 majority vote of the mayors of those municipalities that have
6 the greatest percentage of their respective populations
7 residing in that county board district or other represented
8 area. All municipal and county board representatives shall be
9 entitled to a vote; the other members shall be nonvoting
10 members, unless authorized to vote by the unanimous consent of
11 the municipal and county board representatives. A municipality
12 that is located in more than one county may choose, at the time
13 of formation of the stormwater management planning committee
14 and based on watershed boundaries, to participate in the
15 stormwater management planning program of either county.
16 Subcommittees of the stormwater management planning committee
17 may be established to serve a portion of the county or a
18 particular drainage basin that has similar stormwater
19 management needs. The stormwater management planning committee
20 shall adopt bylaws, by a majority vote of the county and
21 municipal members, to govern the functions of the committee and
22 its subcommittees. Officers of the committee shall include a
23 chair and vice chair, one of whom shall be a county
24 representative and one a municipal representative.

25 The principal duties of the committee shall be to develop a
26 stormwater management plan for presentation to and approval by

1 the county board, and to direct the plan's implementation and
2 revision. The committee may retain engineering, legal, and
3 financial advisors and inspection personnel. The committee
4 shall meet at least quarterly and shall hold at least one
5 public meeting during the preparation of the plan and prior to
6 its submittal to the county board. The committee may make
7 grants to units of local government that have adopted an
8 ordinance requiring actions consistent with the stormwater
9 management plan and to landowners for the purposes of
10 stormwater management, including special projects; use of the
11 grant money must be consistent with the stormwater management
12 plan.

13 The committee shall not have or exercise any power of
14 eminent domain.

15 (c) In the preparation of a stormwater management plan, a
16 county stormwater management planning committee shall
17 coordinate the planning process with each adjoining county to
18 ensure that recommended stormwater projects will have no
19 significant impact on the levels or flows of stormwaters in
20 inter-county watersheds or on the capacity of existing and
21 planned stormwater retention facilities. An adopted stormwater
22 management plan shall identify steps taken by the county to
23 coordinate the development of plan recommendations with
24 adjoining counties.

25 (d) The stormwater management committee may not enforce any
26 rules or regulations that would interfere with (i) any power

1 granted by the Illinois Drainage Code (70 ILCS 605/) to
2 operate, construct, maintain, or improve drainage systems or
3 (ii) the ability to operate, maintain, or improve the drainage
4 systems used on or by land or a facility used for production
5 agriculture purposes, as defined in the Use Tax Act (35 ILCS
6 105/), except newly constructed buildings and newly installed
7 impervious paved surfaces. Disputes regarding an exception
8 shall be determined by a mutually agreed upon arbitrator paid
9 by the disputing party or parties.

10 (e) Before the stormwater management planning committee
11 recommends to the county board a stormwater management plan for
12 the county or a portion thereof, it shall submit the plan to
13 the Office of Water Resources of the Department of Natural
14 Resources for review and recommendations. The Office, in
15 reviewing the plan, shall consider such factors as impacts on
16 the levels or flows in rivers and streams and the cumulative
17 effects of stormwater discharges on flood levels. The Office of
18 Water Resources shall determine whether the plan or ordinances
19 enacted to implement the plan complies with the requirements of
20 subsection (f). Within a period not to exceed 60 days, the
21 review comments and recommendations shall be submitted to the
22 stormwater management planning committee for consideration.
23 Any amendments to the plan shall be submitted to the Office for
24 review.

25 (f) Prior to recommending the plan to the county board, the
26 stormwater management planning committee shall hold at least

1 one public hearing thereon and shall afford interested persons
2 an opportunity to be heard. The hearing shall be held in the
3 county seat. Notice of the hearing shall be published at least
4 once and no less than 15 days in advance of the hearing in a
5 newspaper of general circulation published in the county. The
6 notice shall state the time and place of the hearing and the
7 place where copies of the proposed plan will be accessible for
8 examination by interested parties. If an affected municipality
9 having a stormwater management plan adopted by ordinance wishes
10 to protest the proposed county plan provisions, it shall appear
11 at the hearing and submit in writing specific proposals to the
12 stormwater management planning committee. After consideration
13 of the matters raised at the hearing, the committee may amend
14 or approve the plan and recommend it to the county board for
15 adoption.

16 The county board may enact the proposed plan by ordinance.
17 If the proposals for modification of the plan made by an
18 affected municipality having a stormwater management plan are
19 not included in the proposed county plan, and the municipality
20 affected by the plan opposes adoption of the county plan by
21 resolution of its corporate authorities, approval of the county
22 plan shall require an affirmative vote of at least two-thirds
23 of the county board members present and voting. If the county
24 board wishes to amend the county plan, it shall submit in
25 writing specific proposals to the stormwater management
26 planning committee. If the proposals are not approved by the

1 committee, or are opposed by resolution of the corporate
2 authorities of an affected municipality having a municipal
3 stormwater management plan, amendment of the plan shall require
4 an affirmative vote of at least two-thirds of the county board
5 members present and voting.

6 (g) The county board may prescribe by ordinance reasonable
7 rules and regulations for floodplain management and for
8 governing the location, width, course, and release rate of all
9 stormwater runoff channels, streams, and basins in the county,
10 in accordance with the adopted stormwater management plan.
11 Land, facilities, and drainage district facilities used for
12 production agriculture as defined in subsection (d) shall not
13 be subjected to regulation by the county board or stormwater
14 management committee under this Section for floodplain
15 management and for governing location, width, course,
16 maintenance, and release rate of stormwater runoff channels,
17 streams and basins, or water discharged from a drainage
18 district. These rules and regulations shall, at a minimum, meet
19 the standards for floodplain management established by the
20 Office of Water Resources and the requirements of the Federal
21 Emergency Management Agency for participation in the National
22 Flood Insurance Program. With respect to DuPage County only,
23 the Chicago Metropolitan Agency for Planning may not impose
24 more stringent regulations regarding water quality on entities
25 discharging in accordance with a valid National Pollution
26 Discharge Elimination System permit issued under the

1 Environmental Protection Act.

2 (h) For the purpose of implementing this Section and for
3 the development, design, planning, construction, operation,
4 and maintenance of stormwater facilities provided for in the
5 adopted stormwater management plan, a county board that has
6 established a stormwater management planning committee
7 pursuant to this Section or has participated in a stormwater
8 management planning process may adopt a schedule of fees
9 applicable to all real property within the county which
10 benefits from the county's stormwater management facilities
11 and activities, and as may be necessary to mitigate the effects
12 of increased stormwater runoff resulting from development. The
13 total amount of the fees assessed must be specifically and
14 uniquely attributable to the actual costs of the county in the
15 preparation, administration, and implementation of the adopted
16 stormwater management plan, construction and maintenance of
17 stormwater facilities, and other activities related to the
18 management of the runoff from the property. The individual fees
19 must be specifically and uniquely attributable to the portion
20 of the actual cost to the county of managing the runoff from
21 the property. The fees shall be used to finance activities
22 undertaken by the county or its included municipalities to
23 mitigate the effects of urban stormwater runoff by providing
24 and maintaining stormwater collection, retention, detention,
25 and particulate treatment facilities, and improving water
26 bodies impacted by stormwater runoff, as identified in the

1 county plan. In establishing, maintaining, or replacing such
2 facilities, the county shall not duplicate facilities operated
3 by other governmental bodies within its corporate boundaries.
4 The schedule of fees established by the county board shall
5 include a procedure for a full or partial fee waiver for
6 property owners who have taken actions or put in place
7 facilities that reduce or eliminate the cost to the county of
8 providing stormwater management services to their property.
9 The county board may also offer tax or fee rebates or incentive
10 payments to property owners who construct, maintain, and use
11 approved green infrastructure stormwater management devices or
12 any other methods that reduce or eliminate the cost to the
13 county of providing stormwater management services to the
14 property, including but not limited to facilities that reduce
15 the volume, temperature, velocity, and pollutant load of the
16 stormwater managed by the county, such as systems that
17 infiltrate, evapotranspire, or harvest stormwater for reuse,
18 known as "green infrastructure". In exercising this authority,
19 the county shall provide notice to the municipalities within
20 its jurisdiction ~~their jurisdictions~~ of any fees proposed under
21 this Section and seek the input of each municipality with
22 respect to the calculation of the fees. The county shall also
23 give property owners at least 2 years' notice of the fee,
24 during which time the county shall provide education on green
25 infrastructure practices and an opportunity to take action to
26 reduce or eliminate the fee. All these fees collected by the

1 county shall be held in a separate fund, and shall be expended
2 only in the watershed within which they were collected. The
3 county may enter into intergovernmental agreements with other
4 government bodies for the joint administration of stormwater
5 management and the collection of the fees authorized in this
6 Section.

7 A fee schedule authorized by this subsection must have the
8 same limit as the authorized stormwater tax. In Peoria County
9 only, the fee schedule shall not be adopted unless (i) a
10 referendum has been passed approving a stormwater tax as
11 provided in subsection (i) of this Section; or (ii) the
12 question of the adoption of a fee schedule with the same limit
13 as the authorized stormwater tax has been approved in a
14 referendum by a majority of those voting on the question.

15 (i) In the alternative to a fee imposed under subsection
16 (h), the county board may cause an annual tax of not to exceed
17 0.20% of the value, as equalized or assessed by the Department
18 of Revenue, of all taxable property in the county to be levied
19 upon all the taxable property in the county. The property tax
20 shall be in addition to all other taxes authorized by law to be
21 levied and collected in the county and shall be in addition to
22 the maximum tax rate authorized by law for general county
23 purposes. The 0.20% limitation provided in this Section may be
24 increased or decreased by referendum in accordance with the
25 provisions of Sections 18-120, 18-125, and 18-130 of the
26 Property Tax Code (35 ILCS 200/).

1 Any revenues generated as a result of ownership or
2 operation of facilities or land acquired with the tax funds
3 collected pursuant to this subsection shall be held in a
4 separate fund and be used either to abate such property tax or
5 for implementing this Section.

6 If at least part of the county has been declared by a
7 presidential proclamation after July 1, 1986 and before
8 December 31, 1987, to be a disaster area as a result of
9 flooding, the tax authorized by this subsection does not
10 require approval by referendum. However, in Peoria County, the
11 tax authorized by this subsection shall not be levied until the
12 question of its adoption, either for a specified period or
13 indefinitely, has been submitted to the electors thereof and
14 approved by a majority of those voting on the question. This
15 question may be submitted at any election held in the county
16 after the adoption of a resolution by the county board
17 providing for the submission of the question to the electors of
18 the county. The county board shall certify the resolution and
19 proposition to the proper election officials, who shall submit
20 the proposition at an election in accordance with the general
21 election law. If a majority of the votes cast on the question
22 is in favor of the levy of the tax, it may thereafter be levied
23 in the county for the specified period or indefinitely, as
24 provided in the proposition. The question shall be put in
25 substantially the following form:

26 Shall an annual tax be levied for stormwater management

1 purposes (for a period of not more than years) at a
2 rate not exceeding% of the equalized assessed value
3 of the taxable property of County?

4 Votes shall be recorded as Yes or No.

5 The following question may be submitted at any election
6 held in the county after the adoption of a resolution by the
7 county board providing for the submission of the question to
8 the electors of the county to authorize adoption of a schedule
9 of fees applicable to all real property within the county:

10 Shall the county board be authorized to adopt a
11 schedule of fees, at a rate not exceeding that of the
12 stormwater management tax, applicable to all real property
13 for preparation, administration, and implementation of an
14 adopted stormwater management plan, construction and
15 maintenance of related facilities, and management of the
16 runoff from the property?

17 Votes shall be recorded as Yes or No.

18 If these questions have been approved by a majority of
19 those voting prior to the effective date of this amendatory Act
20 of the 98th General Assembly, this subsection does not apply.

21 (j) For those counties that adopt a property tax in
22 accordance with the provisions in this Section, the stormwater
23 management committee shall offer property tax abatements or
24 incentive payments to property owners who construct, maintain,
25 and use approved stormwater management devices. The stormwater
26 management committee is authorized to offer credits to the

1 property tax, if applicable, based on authorized practices
2 consistent with the stormwater management plan and approved by
3 the committee. Expenses of staff of a stormwater management
4 committee that are expended on regulatory project review may be
5 no more than 20% of the annual budget of the committee,
6 including funds raised under subsections (h) and (i).

7 (k) Upon the creation and implementation of a county
8 stormwater management plan, the county may petition the circuit
9 court to dissolve any or all drainage districts created
10 pursuant to the Illinois Drainage Code or predecessor Acts
11 which are located entirely within the area of the county
12 covered by the plan.

13 However, any active drainage district implementing a plan
14 that is consistent with and at least as stringent as the county
15 stormwater management plan may petition the stormwater
16 management planning committee for exception from dissolution.
17 Upon filing of the petition, the committee shall set a date for
18 hearing not less than 2 weeks, nor more than 4 weeks, from the
19 filing thereof, and the committee shall give at least one
20 week's notice of the hearing in one or more newspapers of
21 general circulation within the district, and in addition shall
22 cause a copy of the notice to be personally served upon each of
23 the trustees of the district. At the hearing, the committee
24 shall hear the district's petition and allow the district
25 trustees and any interested parties an opportunity to present
26 oral and written evidence. The committee shall render its

1 decision upon the petition for exception from dissolution based
2 upon the best interests of the residents of the district. In
3 the event that the exception is not allowed, the district may
4 file a petition within 30 days of the decision with the circuit
5 court. In that case, the notice and hearing requirements for
6 the court shall be the same as herein provided for the
7 committee. The court shall likewise render its decision of
8 whether to dissolve the district based upon the best interests
9 of residents of the district.

10 The dissolution of any drainage district shall not affect
11 the obligation of any bonds issued or contracts entered into by
12 the district nor invalidate the levy, extension or collection
13 of any taxes or special assessments upon the property in the
14 former drainage district. All property and obligations of the
15 former drainage district shall be assumed and managed by the
16 county, and the debts of the former drainage district shall be
17 discharged as soon as practicable.

18 If a drainage district lies only partly within a county
19 that adopts a county stormwater management plan, the county may
20 petition the circuit court to disconnect from the drainage
21 district that portion of the district that lies within that
22 county. The property of the drainage district within the
23 disconnected area shall be assumed and managed by the county.
24 The county shall also assume a portion of the drainage
25 district's debt at the time of disconnection, based on the
26 portion of the value of the taxable property of the drainage

1 district which is located within the area being disconnected.

2 The operations of any drainage district that continues to
3 exist in a county that has adopted a stormwater management plan
4 in accordance with this Section shall be in accordance with the
5 adopted plan.

6 (l) Any county that has adopted a county stormwater
7 management plan under this Section may, after 10 days' ~~days~~
8 written notice receiving consent of the owner or occupant,
9 enter upon any lands or waters within the county for the
10 purpose of inspecting stormwater facilities or causing the
11 removal of any obstruction to an affected watercourse. If
12 consent is denied or cannot be reasonably obtained, the county
13 ordinance shall provide a process or procedure for an
14 administrative warrant to be obtained. The county shall be
15 responsible for any damages occasioned thereby.

16 (m) Except as otherwise provided in subsection (a) of this
17 Section, upon petition of the municipality, and based on a
18 finding of the stormwater management planning committee, the
19 county shall not enforce rules and regulations adopted by the
20 county in any municipality located wholly or partly within the
21 county that has a municipal stormwater management ordinance
22 that is consistent with and at least as stringent as the county
23 plan and ordinance, and is being enforced by the municipal
24 authorities. On issues that the county ordinance is more
25 stringent as deemed by the committee, the county shall only
26 enforce rules and regulations adopted by the county on the more

1 stringent issues and accept municipal permits. The county shall
2 have no more than 60 days to review permits or the permits
3 shall be deemed approved.

4 (n) A county may issue general obligation bonds for
5 implementing any stormwater plan adopted under this Section in
6 the manner prescribed in Section 5-1012; except that the
7 referendum requirement of Section 5-1012 does not apply to
8 bonds issued pursuant to this Section on which the principal
9 and interest are to be paid entirely out of funds generated by
10 the taxes and fees authorized by this Section.

11 (o) A county that has adopted a fee schedule pursuant to
12 this Section may not thereafter issue any bond extensions
13 related to implementing a stormwater management plan.

14 (p) The powers authorized by this Section may be
15 implemented by the county board for a portion of the county
16 subject to similar stormwater management needs.

17 (q) The powers and taxes authorized by this Section are in
18 addition to the powers and taxes authorized by Division 5-15;
19 in exercising its powers under this Section, a county shall not
20 be subject to the restrictions and requirements of that
21 Division.

22 (r) Stormwater management projects and actions related to
23 stormwater management in a county that has adopted a fee
24 schedule or tax pursuant to this Section prior to the effective
25 date of this amendatory Act of the 98th General Assembly are
26 not altered by this amendatory Act of the 98th General

1 Assembly.

2 (Source: P.A. 98-335, eff. 8-13-13; revised 10-8-13.)

3 (55 ILCS 5/5-1134)

4 Sec. 5-1134. Project labor agreements.

5 (a) Any sports, arts, or entertainment facilities that
6 receive revenue from a tax imposed under subsection (b) of
7 Section 5-1030 of this Code shall be considered to be public
8 works within the meaning of the Prevailing Wage Act. The county
9 authorities responsible for the construction, renovation,
10 modification, or alteration of the sports, arts, or
11 entertainment facilities shall enter into project labor
12 agreements with labor organizations as defined in the National
13 Labor Relations Act to assure that no labor dispute interrupts
14 or interferes with the construction, renovation, modification,
15 or alteration of the projects.

16 (b) The project labor agreements must include the
17 following:

18 (1) provisions establishing the minimum hourly wage
19 for each class of labor organization employees;

20 (2) provisions establishing the benefits and other
21 compensation for such class of labor organization; and

22 (3) provisions establishing that no strike or disputes
23 will be engaged in by the labor organization employees.

24 The county, taxing bodies, municipalities, and the labor
25 organizations shall have the authority to include other terms

1 and conditions as they deem necessary.

2 (c) The project labor agreement shall be filed with the
3 Director of the Illinois Department of Labor in accordance with
4 procedures established by the Department. At a minimum, the
5 project labor agreement must provide the names, addresses, and
6 occupations of the owner of the facilities and the individuals
7 representing the labor organization employees participating in
8 the project labor agreement. The agreement must also specify
9 the terms and conditions required in subsection (b) of this
10 Section.

11 (d) In any agreement for the construction or rehabilitation
12 of a facility using revenue generated under subsection (b) of
13 Section 5-1030 of this Code, in connection with the
14 prequalification of general contractors for construction or
15 rehabilitation of the facility, it shall be required that a
16 commitment will be submitted detailing how the general
17 contractor will expend 15% or more of the aggregate dollar
18 value of the project as a whole with one or more minority-owned
19 businesses, female-owned businesses, or businesses owned by a
20 person with a disability, as these terms are defined in Section
21 2 of the Business Enterprise for Minorities, Females, and
22 Persons with Disabilities Act.

23 (Source: P.A. 98-313, eff. 8-12-13.)

24 (55 ILCS 5/5-1135)

25 Sec. 5-1135 ~~5-1134~~. Borrowing from financial institutions.

1 The county board of a county may borrow money for any corporate
2 purpose from any bank or other financial institution provided
3 such money shall be repaid within 2 years from the time the
4 money is borrowed. The county board chairman or county
5 executive, as the case may be, shall execute a promissory note
6 or similar debt instrument, but not a bond, to evidence the
7 indebtedness incurred by the borrowing. The obligation to make
8 the payments due under the promissory note or other debt
9 instrument shall be a lawful direct general obligation of the
10 county payable from the general funds of the county and such
11 other sources of payment as are otherwise lawfully available.
12 The promissory note or other debt instrument shall be
13 authorized by an ordinance passed by the county board and shall
14 be valid whether or not an appropriation with respect to that
15 ordinance is included in any annual or supplemental
16 appropriation adopted by the county board. The indebtedness
17 incurred under this Section, when aggregated with the existing
18 indebtedness of the county, may not exceed any debt limitation
19 otherwise provided for by law. "Financial institution" means
20 any bank subject to the Illinois Banking Act, any savings and
21 loan association subject to the Illinois Savings and Loan Act
22 of 1985, any savings bank subject to the Savings Bank Act, any
23 credit union subject to the Illinois Credit Union Act, and any
24 federally chartered commercial bank, savings and loan
25 association, savings bank, or credit union organized and
26 operated in this State pursuant to the laws of the United

1 States.

2 (Source: P.A. 98-525, eff. 8-23-13; revised 10-17-13.)

3 (55 ILCS 5/5-12001.2)

4 Sec. 5-12001.2. Regulation of telecommunications
5 facilities; Lake County pilot project. In addition to any other
6 requirements under this Division concerning the regulation of
7 telecommunications facilities, the following applies to any
8 new telecommunications facilities in Lake County that are not
9 AM telecommunications towers or facilities:

10 (a) For every new wireless telecommunications facility
11 requiring a new tower structure, a telecommunications
12 carrier shall provide the county with documentation
13 consisting of the proposed location, a site plan, and an
14 elevation that sufficiently describes a proposed wireless
15 facility location.

16 (b) The county shall have 7 days to review the facility
17 proposal and contact the telecommunications carrier in
18 writing via e-mail or other written means as specified by
19 the telecommunications carrier. This written communication
20 shall either approve the proposed location or request a
21 meeting to review other possible alternative locations. If
22 requested, the meeting shall take place within 7 days after
23 the date of the written communication.

24 (c) At the meeting, the telecommunications carrier
25 shall provide the county documentation consisting of radio

1 frequency engineering criteria and a corresponding
2 telecommunications facility search ring map, together with
3 documentation of the carrier's efforts to site the proposed
4 facility within the telecommunications facility search
5 ring.

6 (d) Within 21 days after receipt of the carrier's
7 documentation, the county shall propose either an
8 alternative site within the telecommunications facility
9 search ring, or an alternative site outside of the
10 telecommunications search ring that meets the radio
11 frequency engineering criteria provided by the
12 telecommunications carrier and that will not materially
13 increase the construction budget beyond what was estimated
14 on the original carrier proposed site.

15 (e) If the county's proposed alternative site meets the
16 radio frequency engineering criteria provided by the
17 telecommunications carrier, and will not materially
18 increase the construction budget beyond what was estimated
19 on the original carrier proposed site, then the
20 telecommunications carrier shall agree to build the
21 facility at the alternative location, subject to the
22 negotiation of a lease with commercially reasonable terms
23 and the obtainment of the customary building permits.

24 (f) If the telecommunications carrier can demonstrate
25 that: (i) the county's proposed alternative site does not
26 meet the radio frequency engineering criteria, (ii) the

1 county's proposed alternative site will materially
2 increase the construction budget beyond what was estimated
3 on the original carrier proposed site, (iii) the county has
4 failed to provide an alternative ~~alternate~~ site, or (iv)
5 after a period of 90 days after receipt of the alternative
6 site, the telecommunications carrier has failed, after
7 acting in good faith and with due diligence, to obtain a
8 lease or at a minimum, a letter of intent to lease the
9 alternative site at lease rates not materially greater than
10 the lease rate for the original proposed site; then the
11 carrier can proceed to permit and construct the site under
12 the provisions and standards of Section 5-12001.1 of this
13 Code.

14 (Source: P.A. 98-197, eff. 8-9-13; revised 10-8-13.)

15 (55 ILCS 5/5-44020)

16 Sec. 5-44020. Definitions. In this Division 5-44:

17 "Fire protection jurisdiction" means a fire protection
18 district, municipal fire department, or service organized
19 under Section 5-1056.1 of the Counties Code, Sections 195 and
20 200 of the Township Code, Section 10-2.1 of the Illinois
21 Municipal Code, or the Illinois Fire Protection District Act.

22 "Governing board" means the individual or individuals who
23 constitute the corporate authorities of a unit of local
24 government. ~~and~~

25 "Unit of local government" or "unit" means any unit of

1 local government located entirely within one county, to which
2 the county board chairman or county executive directly appoints
3 a majority of its governing board with the advice and consent
4 of the county board, but shall not include a fire protection
5 district that directly employs any regular full-time employees
6 or a special district organized under the Water Commission Act
7 of 1985.

8 (Source: P.A. 98-126, eff. 8-2-13; revised 9-13-13.)

9 (55 ILCS 5/6-27005) (from Ch. 34, par. 6-27005)

10 Sec. 6-27005. Transfer to general corporate fund. Moneys
11 shall be transferred from said working cash fund to the general
12 corporate fund only upon the authority of the county board,
13 which shall from time to time by separate resolution direct the
14 county treasurer to make transfers of such sums as may be
15 required for the purposes herein authorized. Every such
16 resolution shall set forth (a) the taxes or other moneys in
17 anticipation of the collection or receipt of which such
18 transfer is to be made and from which such working cash fund is
19 to be reimbursed, (b) with respect only to transfers made in
20 anticipation of the levy of real property taxes, the entire
21 amount of taxes extended or which the county board estimates
22 will be extended, for any year, by the county clerk upon the
23 books of the collectors of State and county taxes within such
24 county, in anticipation of the collection of all or part of
25 which such transfer is to be made, (c) the aggregate amount of

1 warrants theretofore issued in anticipation of the collection
2 of such taxes, together with the amount of interest accrued,
3 and/or which the county board estimates will accrue, thereon,
4 (d) the aggregate amount of notes theretofore issued in
5 anticipation of the collection of such taxes, together with the
6 amount of the interest accrued, and/or which the county board
7 estimates will accrue, thereon, ~~and~~ (e) the amount of moneys,
8 which the county board estimates will be earned by the county
9 clerk and the county collector, respectively, as fees or
10 commissions for extending or collecting taxes for any year, in
11 anticipation of the receipt of all or part of which such
12 transfer is to be made, (f) the amount of such taxes, as by law
13 now or hereafter enacted or amended, imposed by the General
14 Assembly of the State of Illinois to replace revenue lost by
15 units of local government and school districts as a result of
16 the abolition of ad valorem personal property taxes, pursuant
17 to Article IX, Section 5(c) of the Constitution of the State of
18 Illinois which the county board estimates will be received by
19 the county for any year, (g) the aggregate amount of receipts
20 from taxes imposed to replace revenue lost by units of local
21 government and school districts as a result of the abolition of
22 ad valorem personal property taxes, pursuant to Article IX,
23 Section 5(c) of the Constitution of the State of Illinois,
24 which the corporate authorities estimate will be set aside for
25 the payment of the proportionate amount of debt service and
26 pension or retirement obligations, as required by Section 12 of

1 "An Act in relation to State Revenue Sharing with local
2 government entities", approved July 31, 1969, as amended, and
3 (h) the aggregate amount of moneys theretofore transferred from
4 the working cash fund to the general corporate fund in
5 anticipation of the collection of such taxes or of the receipt
6 of such other moneys to be derived from fees or commissions or
7 of the receipt of such taxes, as by law now or hereafter
8 enacted or amended, imposed by the General Assembly of the
9 State of Illinois to replace revenue lost by units of local
10 government and school districts as a result of the abolition of
11 ad valorem personal property taxes, pursuant to Article IX,
12 Section 5(c) of the Constitution of the State of Illinois. The
13 amount which any such resolution shall direct the county
14 treasurer so to transfer, in anticipation of the collection of
15 taxes levied for any year, together with the aggregate amount
16 of such anticipation tax warrants and notes theretofore drawn
17 against such taxes and the amount of the interest accrued,⁷ and
18 the aggregate amount of such transfers theretofore made in
19 anticipation of the collection of such taxes, shall not exceed
20 ninety (90) per centum of the actual or estimated amount of
21 such taxes extended or to be extended, as set forth in such
22 resolution. The amount which any such resolution shall direct
23 the county treasurer so to transfer, in anticipation of the
24 receipt of any moneys to be derived from fees or commissions,
25 or of the receipt of such taxes, as by law now or hereafter
26 enacted or amended, imposed by the General Assembly of the

1 State of Illinois to replace revenue lost by units of local
2 government and school districts as a result of the abolition of
3 ad valorem personal property taxes, pursuant to Article IX,
4 Section 5(c) of the Constitution of the State of Illinois
5 together with the aggregate amount theretofore transferred in
6 anticipation of the receipt of any such moneys and the amount
7 estimated to be required to satisfy debt service and pension or
8 retirement obligations, as set forth in Section 12 of "An Act
9 in relation to State revenue sharing with local government
10 entities", approved July 31, 1969, as amended, shall not exceed
11 the total amount which it is so estimated will be received from
12 such sources. To the extent that at any time moneys are
13 available in the working cash fund they shall be transferred to
14 the general corporate fund and disbursed for the payment of
15 salaries and other corporate expenses so as to avoid, whenever
16 possible, the issuance of anticipation tax warrants or notes.

17 (Source: P.A. 86-962; revised 10-8-13.)

18 Section 235. The Township Code is amended by changing
19 Section 27-10 as follows:

20 (60 ILCS 1/27-10)

21 Sec. 27-10. Petition and referendum to discontinue and
22 abolish a township organization within a coterminous
23 municipality. Upon adoption of an ordinance ~~adopted~~ by the city
24 council of a township described under Section 27-5 of this

1 Article, or upon petition of at least 10% of the registered
2 voters of that township, the city council shall certify and
3 cause to be submitted to the voters of the township, at the
4 next election or consolidated election, a proposition to
5 discontinue and abolish the township organization and to
6 transfer all the rights, powers, duties, assets, property,
7 liabilities, obligations, and responsibilities of the township
8 organization to the coterminous municipality.

9 A signature on a petition shall not be valid or counted in
10 considering the petition unless the form requirements are
11 complied with and the date of each signature is less than 90
12 days before the last day for filing the petition. The statement
13 of the person who circulates the petition must include an
14 attestation (i) indicating the dates on which that sheet was
15 circulated, (ii) indicating the first and last date on which
16 that sheet was circulated, or (iii) certifying that none of the
17 signatures on the sheet was signed more than 90 days before the
18 last day for filing the petition. The petition shall be treated
19 and the proposition certified in the manner provided by the
20 general election law. After the proposition has once been
21 submitted to the electorate, the proposition shall not be
22 resubmitted for 4 years.

23 The proposition shall be in substantially the following
24 form:

25 Shall the township organization be continued in [Name
26 of Township] Township?

1 The votes shall be recorded as "Yes" or "No".
2 (Source: P.A. 98-127, eff. 8-2-13; revised 10-8-13.)

3 Section 240. The Illinois Municipal Code is amended by
4 changing Section 11-80-9 as follows:

5 (65 ILCS 5/11-80-9) (from Ch. 24, par. 11-80-9)

6 Sec. 11-80-9. The corporate authorities of each
7 municipality may prevent and regulate all amusements and
8 activities having a tendency to annoy or endanger persons or
9 property on the sidewalks, streets, and other municipal
10 property. However, no municipality may prohibit a charitable
11 organization, as defined in Section 2 of the Charitable Games
12 Act, from soliciting for charitable purposes, including
13 solicitations taking place on public roadways from passing
14 motorists, if all of the following requirements are met.

15 (1) The persons to be engaged in the solicitation are
16 law enforcement personnel, firefighters, or other persons
17 employed to protect the public safety of a local agency,
18 and that are soliciting solely in an area that is within
19 the service area of that local agency.

20 (2) The charitable organization files an application
21 with the municipality having jurisdiction over the
22 location or locations where the solicitation is to occur.
23 The application ~~applications~~ shall be filed not later than
24 10 business days before the date that the solicitation is

1 to begin and shall include all of the following:

2 (A) The date or dates and times of day when the
3 solicitation is to occur.

4 (B) The location or locations where the
5 solicitation is to occur along with a list of 3
6 alternate locations listed in order of preference.

7 (C) The manner and conditions under which the
8 solicitation is to occur.

9 (D) Proof of a valid liability insurance policy in
10 the amount of at least \$1,000,000 insuring the charity
11 or local agency against bodily injury and property
12 damage arising out of or in connection with the
13 solicitation.

14 The municipality shall approve the application within 5
15 business days after the filing date of the application, but may
16 impose reasonable conditions in writing that are consistent
17 with the intent of this Section and are based on articulated
18 public safety concerns. If the municipality determines that the
19 applicant's location cannot be permitted due to significant
20 safety concerns, such as high traffic volumes, poor geometrics,
21 construction, maintenance operations, or past accident
22 history, then the municipality may deny the application for
23 that location and must approve one of the 3 alternate locations
24 following the order of preference submitted by the applicant on
25 the alternate location list. By acting under this Section, a
26 local agency does not waive or limit any immunity from

1 liability provided by any other provision of law.

2 ~~(3)~~ For purposes of this Section, "local agency" means a
3 municipality, special district, fire district, joint powers of
4 authority, or other political subdivision of the State of
5 Illinois.

6 A home rule unit may not regulate a charitable organization
7 in a manner that is inconsistent with this Section. This
8 Section is a limitation under subsection (i) of Section 6 of
9 Article VII of the Illinois Constitution on the concurrent
10 exercise by home rule units of powers and functions exercised
11 by the State.

12 (Source: P.A. 97-692, eff. 6-15-12; 98-134, eff. 8-2-13;
13 revised 10-8-13.)

14 Section 245. The Fire Protection District Act is amended by
15 changing Sections 8.20 and 11j as follows:

16 (70 ILCS 705/8.20)

17 Sec. 8.20. Open burning.

18 (a) The board of trustees of any fire protection district
19 incorporated under this Act may, by ordinance, require that the
20 district be notified of open burning within the district before
21 it takes place, but shall not require that a permit for open
22 burning be obtained from the district. The district may not
23 enforce an ordinance adopted under this Section within the
24 corporate limits of a county with a population of 3,000,000 or

1 more or a municipality with a population of 1,000,000 or more.

2 (b) The fire department of a fire protection district may
3 extinguish any open burn that presents a clear, present, and
4 unreasonable danger to persons or adjacent property or that
5 presents an unreasonable risk because of wind, weather, or the
6 types of combustibles. The unreasonable risk may include the
7 height of flames, windblown embers, the creation of hazardous
8 fumes, or an unattended fire. Fire departments may not
9 unreasonably interfere with permitted and legal open burning.

10 (c) The fire protection district may provide that persons
11 setting open burns on any agricultural land with an area of 50
12 acres or more may voluntarily comply with the provisions of an
13 ordinance adopted under this Section.

14 (d) The fire chief or any other designated officer of a
15 fire department of any fire protection district incorporated
16 under this Act may, with the authorization of the board of
17 trustees of the fire protection district, prohibit open burning
18 within the district on an emergency basis, for a limited period
19 of time, if (i) the atmospheric conditions or other
20 circumstances create an unreasonable risk of fire because of
21 wind, weather, or the types of combustibles and (ii) the
22 resources of the fire department are not sufficient to control
23 and suppress a fire resulting from one or more of the
24 conditions or circumstances described in clause (i) of this
25 subsection. For the purposes of this subsection, "open burning"
26 includes, but is not limited to, the burning of landscape

1 waste, agricultural waste, household trash, and garbage.

2 (e) The fire chief or any other designated officer of a
3 fire department of any fire protection district incorporated
4 under this Act may fix, charge, and collect fees associated
5 with the fire department extinguishing an open burning that is
6 prohibited under subsection (d) of this Section. The fee may be
7 imposed against any person causing or engaging in the
8 prohibited activity. The total amount collected for
9 compensation of the fire protection district shall be assessed
10 in accordance with both the rates provided in Section 11f(c) of
11 this Act and the fire chief's determination of the cost of
12 personnel and equipment utilized to extinguish the fire.

13 (f) This Section does not authorize the open burning of any
14 waste. The open burning of waste is subject to the restrictions
15 and prohibitions of the Environmental Protection Act and the
16 rules and regulations adopted under its authority.

17 (Source: P.A. 97-488, eff. 1-1-12; 98-279, eff. 8-9-13; revised
18 10-8-13.)

19 (70 ILCS 705/11j)

20 Sec. 11j. Installation of access or key boxes. The board of
21 trustees of any fire protection district may, by ordinance,
22 require the installation of an access or key box if: (1) a
23 structure is protected by an automatic fire alarm or security
24 system or access to or within the structure or area is unduly
25 difficult because of secured openings; and (2) immediate access

1 is necessary for life-saving purposes. In the case of a health
2 care facility that is secured by an electronic code box that is
3 in good working order, if the owner of the health care facility
4 provides the fire department with a valid access code, then
5 that health care facility is not required to be accessible by
6 an access or key box. For the purposes of this Section, "health
7 care facility" means: a hospital licensed under the Hospital
8 Licensing Act or the University of Illinois Hospital Act; a
9 nursing home or long-term care facility licensed under the
10 Nursing Home Care Act; an assisted living establishment, as
11 defined in the Assisted Living and Shared Housing Act; a mental
12 health facility, as defined in the Mental Health and
13 Developmental Disabilities Code; a supportive living facility
14 certified to participate in the supportive living facilities
15 program under Section 5-5.01a of the Illinois Public Aid Code;
16 or a facility licensed under the Specialized Mental Health
17 Rehabilitation Act of 2013. "Access or key box" means a secure
18 device with a lock operable only by a fire department master
19 key, and containing building entry keys and other keys that may
20 be required for access in an emergency.

21 The access or key box shall be of an approved type listed
22 in accordance with the most recently published version of the
23 standard Underwriters Laboratories 1037 and shall contain keys
24 to gain access as required by the fire chief of the fire
25 protection district, or his or her designee.

26 An ordinance enacted under this Section may specify

1 particular classes or types of structures or occupancies that
2 are required to install an access or key box. However, an
3 ordinance enacted under this Section shall not apply to single
4 family residential structures or to facilities owned or
5 operated by a public utility, as that term is defined under
6 Section 3-105 of the Public Utilities Act.

7 (Source: P.A. 98-388, eff. 8-16-13; revised 10-8-13.)

8 Section 250. The Park District Code is amended by changing
9 Section 11.2-1 as follows:

10 (70 ILCS 1205/11.2-1) (from Ch. 105, par. 11.2-1)

11 Sec. 11.2-1. In each park district a fund to be known as a
12 "Working Cash Fund" may be created, set apart, maintained and
13 administered in the manner prescribed in this Article, for the
14 purpose of enabling the district to have in its treasury at all
15 times ~~time~~ sufficient money to meet demands thereon for
16 ordinary and necessary expenditures for corporate purposes.

17 (Source: P.A. 79-1379; revised 9-24-13.)

18 Section 255. The Elmwood Park Grade Separation Authority
19 Act is amended by changing Sections 10, 50, and 60 as follows:

20 (70 ILCS 1935/10)

21 Sec. 10. Legislative declaration. The General Assembly
22 declares that the welfare, health, prosperity, and moral and

1 general well being of the people of the State are, in large
2 measure, dependent upon the sound and orderly development of
3 municipal areas. The Village of Elmwood Park, by reason of the
4 location there of Grand Avenue and its use for vehicular travel
5 in access to the entire west metropolitan Chicago area,
6 including municipalities in 2 counties, as well as commercial
7 and industrial growth patterns and accessibility to O'Hare
8 International Airport, manufacturing and freight related
9 services, has become and will increasingly be the hub of
10 transportation from all parts of the region and throughout the
11 west metropolitan area. Motor vehicle traffic, pedestrian
12 travel, and the safety of both motorists and pedestrians are
13 substantially aggravated by the location of a major railroad
14 right-of-way that divides the Village into north and south
15 halves. The presence of the railroad right-of-way has
16 effectively impeded the development of highway usage and
17 rights-of-way and is detrimental to the orderly expansion of
18 industry and commerce and to progress throughout the region.
19 Additionally, the railroad grade crossing located on Grand
20 Avenue within the Village of Elmwood Park has posed a
21 significant safety hazard to the public. The Illinois Commerce
22 Commission Collision History illustrates that there have been 8
23 fatalities and 29 injuries since 1956 at the railroad grade
24 crossing located on Grand Avenue within the Village. The
25 presence of the railroad right-of-way at grade crossing within
26 the Village is detrimental to the safety of the public, as well

1 as to the orderly expansion of industry and commerce and to
2 progress of the region. To alleviate this situation, it is
3 necessary to separate the grade crossing on Grand Avenue within
4 the Village, to relocate the railroad tracks and right-of-way,
5 ~~and~~ to acquire property for separation of the railroad or
6 highway, and to create an agency to facilitate and accomplish
7 that grade separation.

8 (Source: P.A. 98-564, eff. 8-27-13; revised 10-8-13.)

9 (70 ILCS 1935/50)

10 Sec. 50. Board; composition; qualification; compensation
11 and expenses. The Authority shall be governed by a 9-member
12 board consisting of members appointed by the Governor with the
13 advice and consent of the Senate. Five members shall be voting
14 members and 4 members shall be non-voting members. The voting
15 members shall consist of the following:

16 (1) two former public officials who served within the
17 Township of Leyden or the Village of Elmwood Park and are
18 recommended to the Governor by the Village President of the
19 Village of Elmwood Park;

20 (2) two prior employees of Canadian Pacific Railway
21 with management experience; and

22 (3) one resident of the Township of Leyden or the
23 Village of Elmwood Park.

24 The non-voting members shall consist of the following:

25 (1) the Village President of the Village of Elmwood

1 Park;

2 (2) one current employee of Canadian Pacific Railway
3 with management experience;

4 (3) one current employee of Northeast Illinois
5 Regional Commuter Railroad Corporation with management
6 experience; and

7 (4) one current employee of the Department of
8 Transportation with management experience.

9 The members of the board shall serve without compensation,
10 but may be reimbursed for actual expenses incurred by them in
11 the performance of their duties prescribed by the Authority.
12 However, any member of the board who serves as secretary or
13 treasurer may receive compensation for services as that
14 officer.

15 (Source: P.A. 98-564, eff. 8-27-13; revised 10-17-13.)

16 (70 ILCS 1935/60)

17 Sec. 60. Organization; chair and temporary secretary. As
18 soon as possible after the effective date of this ~~amendatory~~
19 ~~Act of the 98th General Assembly~~, the board shall organize for
20 the transaction of business, select a chair from its voting
21 members and a temporary secretary from its own number, and
22 adopt bylaws to govern its proceedings. The initial chair and
23 successors shall be elected by the board from time to time from
24 among members. The Authority may act through its board members
25 by entering into an agreement that a member act on the

1 Authority's behalf, in which instance the act or performance
2 directed shall be deemed to be exclusively of, for, and by the
3 Authority and not the individual act of the member or its
4 represented person.

5 (Source: P.A. 98-564, eff. 8-27-13; revised 10-8-13.)

6 Section 260. The Rescue Squad Districts Act is amended by
7 changing Section 12 as follows:

8 (70 ILCS 2005/12) (from Ch. 85, par. 6862)

9 Sec. 12. A district organized under this Act, in the
10 preparation of its annual budget and appropriation ordinance,
11 may provide that an amount equal to not more than 0.5% of the
12 total equalized assessed value of real property situated in the
13 district shall be allocated to and accumulated in an ~~a~~
14 Equipment Repair or Replacement Fund for the purposes of
15 equipment repairs or replacements of specific types of district
16 equipment. Expenditures from the Equipment Repair or
17 Replacement Fund shall be budgeted and appropriated for the
18 fiscal year in which the equipment repair or replacement will
19 occur. Upon completion or abandonment of any object or purpose
20 for which an Equipment Repair or Replacement Fund has been
21 initiated, monies remaining in the fund shall be transferred
22 into the general corporate fund of the district on the first
23 day of the fiscal year following the abandonment or completion
24 resulting in the surplus moneys in such fund.

1 (Source: P.A. 86-916; revised 10-8-13.)

2 Section 265. The Regional Transportation Authority Act is
3 amended by changing Section 3B.09b as follows:

4 (70 ILCS 3615/3B.09b)

5 Sec. 3B.09b. Payment of fares by credit card.

6 (a) By February 28, 2010, the Commuter Rail Board shall
7 allow passengers to purchase fares by credit card (i) through
8 an Internet website operated by the Board, (ii) at its LaSalle
9 Street Station, Union Station, Ogilvie Transportation Center,
10 and Millennium ~~Millenium~~ Station, (iii) at stations with
11 agents, and (iv) from vending machines capable of providing
12 fares by credit card at the 14 largest stations on the Metra
13 Electric Line.

14 (b) The Board may not require a passenger who chooses to
15 purchase a fare by credit card to pay an additional fee.

16 (Source: P.A. 96-621, eff. 1-1-10; revised 9-13-13.)

17 Section 270. The School Code is amended by setting forth
18 and renumbering multiple versions of Section 2-3.157 and by
19 changing Sections 10-19, 20-1, 21B-30, and 27-24 as follows:

20 (105 ILCS 5/2-3.157)

21 Sec. 2-3.157. (Repealed).

22 (Source: P.A. 98-578, eff. 8-27-13. Repealed internally, eff.

1 1-2-14.)

2 (105 ILCS 5/2-3.158)

3 (Section scheduled to be repealed on May 31, 2015)

4 Sec. 2-3.158 ~~2-3.157~~. Task Force on Civic Education.

5 (a) The State Board of Education shall establish the Task
6 Force on Civic Education, to be comprised of all of the
7 following members, with an emphasis on bipartisan legislative
8 representation and diverse non-legislative stakeholder
9 representation:

10 (1) One member appointed by the Speaker of the House of
11 Representatives.

12 (2) One member appointed by the President of the
13 Senate.

14 (3) One member appointed by the Minority Leader of the
15 House of Representatives.

16 (4) One member appointed by the Minority Leader of the
17 Senate.

18 (5) One member appointed by the head of an association
19 representing a teachers union.

20 (6) One member appointed by the head of an association
21 representing the Chicago Teachers Union.

22 (7) One member appointed by the head of an association
23 representing social studies teachers.

24 (8) One member appointed by the head of an association
25 representing school boards.

1 (9) One member appointed by the head of an association
2 representing the media.

3 (10) One member appointed by the head of an association
4 representing the non-profit sector that promotes civic
5 education as a core mission.

6 (11) One member appointed by the head of an association
7 representing the non-profit sector that promotes civic
8 engagement among the general public.

9 (12) One member appointed by the president of an
10 institution of higher education who teaches college or
11 graduate-level government courses or facilitates a program
12 dedicated to cultivating civic leaders.

13 (13) One member appointed by the head of an association
14 representing principals or district superintendents.

15 (b) The members of the Task Force shall serve without
16 compensation but shall be reimbursed for their reasonable and
17 necessary expenses from funds appropriated to the State Board
18 of Education for that purpose. The members of the Task Force
19 shall be reimbursed for their travel expenses from
20 appropriations to the State Board of Education available for
21 that purpose and subject to the rules of the appropriate travel
22 control board.

23 (c) The members of the Task Force shall be considered
24 members with voting rights. A quorum of the Task Force shall
25 consist of a simple majority of the members of the Task Force.
26 All actions and recommendations of the Task Force must be

1 approved by a simple majority vote of the members.

2 (d) The Task Force shall meet initially at the call of the
3 State Superintendent of Education, shall elect one member as
4 chairperson at its initial meeting through a simple majority
5 vote of the Task Force, and shall thereafter meet at the call
6 of the chairperson.

7 (e) The State Board of Education shall provide
8 administrative and other support to the Task Force.

9 (f) The Task Force is charged with all of the following
10 tasks:

11 (1) To analyze the current state of civic education in
12 this State.

13 (2) To analyze current civic education laws in other
14 jurisdictions, both mandated and permissive.

15 (3) To identify best practices in civic education in
16 other jurisdictions.

17 (4) To make recommendations to the General Assembly
18 focused on substantially increasing civic literacy and the
19 capacity of youth to obtain the requisite knowledge,
20 skills, and practices to be civically informed members of
21 the public.

22 (5) To make funding recommendations if the Task Force's
23 recommendations to the General Assembly would require a
24 fiscal commitment.

25 (g) No later than May 31, 2014, the Task Force shall
26 summarize its findings and recommendations in a report to the

1 General Assembly, filed as provided in Section 3.1 of the
2 General Assembly Organization Act. Upon filing its report, the
3 Task Force is dissolved.

4 (h) This Section is repealed on May 31, 2015.

5 (Source: P.A. 98-301, eff. 8-9-13; revised 10-4-13.)

6 (105 ILCS 5/2-3.159)

7 Sec. 2-3.159 ~~2-3.157~~. State Seal of Biliteracy.

8 (a) In this Section, "foreign language" means any language
9 other than English, including all modern languages, Latin,
10 American Sign Language, Native American languages, and native
11 languages.

12 (b) The State Seal of Biliteracy program is established to
13 recognize public high school graduates who have attained a high
14 level of proficiency in one or more languages in addition to
15 English. The State Seal of Biliteracy shall be awarded
16 beginning with the 2014-2015 school year. School district
17 participation in this program is voluntary.

18 (c) The purposes of the State Seal of Biliteracy are as
19 follows:

20 (1) To encourage pupils to study languages.

21 (2) To certify attainment of biliteracy.

22 (3) To provide employers with a method of identifying
23 people with language and biliteracy skills.

24 (4) To provide universities with an additional method
25 to recognize applicants seeking admission.

1 (5) To prepare pupils with 21st century skills.

2 (6) To recognize the value of foreign language and
3 native language instruction in public schools.

4 (7) To strengthen intergroup relationships, affirm the
5 value of diversity, and honor the multiple cultures and
6 languages of a community.

7 (d) The State Seal of Biliteracy certifies attainment of a
8 high level of proficiency, sufficient for meaningful use in
9 college and a career, by a graduating public high school pupil
10 in one or more languages in addition to English.

11 (e) The State Board of Education shall adopt such rules as
12 may be necessary to establish the criteria that pupils must
13 achieve to earn a State Seal of Biliteracy, which may include
14 without limitation attainment of units of credit in English
15 language arts and languages other than English and passage of
16 such assessments of foreign language proficiency as may be
17 approved by the State Board of Education for this purpose.

18 (f) The State Board of Education shall do both of the
19 following:

20 (1) Prepare and deliver to participating school
21 districts an appropriate mechanism for designating the
22 State Seal of Biliteracy on the diploma and transcript of
23 the pupil indicating that the pupil has been awarded a
24 State Seal of Biliteracy by the State Board of Education.

25 (2) Provide other information the State Board of
26 Education deems necessary for school districts to

1 successfully participate in the program.

2 (g) A school district that participates in the program
3 under this Section shall do both of the following:

4 (1) Maintain appropriate records in order to identify
5 pupils who have earned a State Seal of Biliteracy.

6 (2) Make the appropriate designation on the diploma and
7 transcript of each pupil who earns a State Seal of
8 Biliteracy.

9 (h) No fee shall be charged to a pupil to receive the
10 designation pursuant to this Section. Notwithstanding this
11 prohibition, costs may be incurred by the pupil in
12 demonstrating proficiency, including without limitation any
13 assessments required under subsection (e) of this Section.

14 (Source: P.A. 98-560, eff. 8-27-13; revised 10-4-13.)

15 (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

16 Sec. 10-19. Length of school term - experimental programs.
17 Each school board shall annually prepare a calendar for the
18 school term, specifying the opening and closing dates and
19 providing a minimum term of at least 185 days to insure 176
20 days of actual pupil attendance, computable under Section
21 18-8.05, except that for the 1980-1981 school year only 175
22 days of actual pupil attendance shall be required because of
23 the closing of schools pursuant to Section 24-2 on January 29,
24 1981 upon the appointment by the President of that day as a day
25 of thanksgiving for the freedom of the Americans who had been

1 held hostage in Iran. Any days allowed by law for teachers'
2 institutes ~~institute~~ but not used as such or used as parental
3 institutes as provided in Section 10-22.18d shall increase the
4 minimum term by the school days not so used. Except as provided
5 in Section 10-19.1, the board may not extend the school term
6 beyond such closing date unless that extension of term is
7 necessary to provide the minimum number of computable days. In
8 case of such necessary extension school employees shall be paid
9 for such additional time on the basis of their regular
10 contracts. A school board may specify a closing date earlier
11 than that set on the annual calendar when the schools of the
12 district have provided the minimum number of computable days
13 under this Section. Nothing in this Section prevents the board
14 from employing superintendents of schools, principals and
15 other nonteaching personnel for a period of 12 months, or in
16 the case of superintendents for a period in accordance with
17 Section 10-23.8, or prevents the board from employing other
18 personnel before or after the regular school term with payment
19 of salary proportionate to that received for comparable work
20 during the school term.

21 A school board may make such changes in its calendar for
22 the school term as may be required by any changes in the legal
23 school holidays prescribed in Section 24-2. A school board may
24 make changes in its calendar for the school term as may be
25 necessary to reflect the utilization of teachers' institute
26 days as parental institute days as provided in Section

1 10-22.18d.

2 The calendar for the school term and any changes must be
3 submitted to and approved by the regional superintendent of
4 schools before the calendar or changes may take effect.

5 With the prior approval of the State Board of Education and
6 subject to review by the State Board of Education every 3
7 years, any school board may, by resolution of its board and in
8 agreement with affected exclusive collective bargaining
9 agents, establish experimental educational programs, including
10 but not limited to programs for self-directed learning or
11 outside of formal class periods, which programs when so
12 approved shall be considered to comply with the requirements of
13 this Section as respects numbers of days of actual pupil
14 attendance and with the other requirements of this Act as
15 respects courses of instruction.

16 (Source: P.A. 93-1036, eff. 9-14-04; revised 11-12-13.)

17 (105 ILCS 5/20-1) (from Ch. 122, par. 20-1)

18 Sec. 20-1. Authority to create working cash fund. In each
19 school district, whether organized under general law or special
20 charter, having a population of less than 500,000 inhabitants,
21 a fund to be known as a "Working Cash Fund" may be created and
22 maintained consistent with the limitations of this Article, for
23 the purpose of enabling the district to have in its treasury at
24 all times ~~time~~ sufficient money to meet demands thereon for
25 expenditures for corporate purposes.

1 (Source: P.A. 96-1277, eff. 7-26-10; revised 9-12-13.)

2 (105 ILCS 5/21B-30)

3 Sec. 21B-30. Educator testing.

4 (a) This Section applies beginning on July 1, 2012.

5 (b) The State Board of Education, in consultation with the
6 State Educator Preparation and Licensure Board, shall design
7 and implement a system of examinations, which shall be required
8 prior to the issuance of educator licenses. These examinations
9 and indicators must be based on national and State professional
10 teaching standards, as determined by the State Board of
11 Education, in consultation with the State Educator Preparation
12 and Licensure Board. The State Board of Education may adopt
13 such rules as may be necessary to implement and administer this
14 Section. No score on a test required under this Section, other
15 than a test of basic skills, shall be more than 5 years old at
16 the time that an individual makes application for an educator
17 license or endorsement.

18 (c) Applicants seeking a Professional Educator License or
19 an Educator License with Stipulations shall be required to pass
20 a test of basic skills before the license is issued, unless the
21 endorsement the individual is seeking does not require passage
22 of the test. All applicants completing Illinois-approved,
23 teacher education or school service personnel preparation
24 programs shall be required to pass the State Board of
25 Education's recognized test of basic skills prior to starting

1 their student teaching or starting the final semester of their
2 internship, unless required earlier at the discretion of the
3 recognized, Illinois institution in which they are completing
4 their approved program. An individual who passes a test of
5 basic skills does not need to do so again for subsequent
6 endorsements or other educator licenses.

7 (d) All applicants seeking a State license shall be
8 required to pass a test of content area knowledge for each area
9 of endorsement for which there is an applicable test. There
10 shall be no exception to this requirement. No candidate shall
11 be allowed to student teach or serve as the teacher of record
12 until he or she has passed the applicable content area test.

13 (e) All applicants seeking a State license endorsed in a
14 teaching field shall pass the assessment of professional
15 teaching (APT). Passage of the APT is required for completion
16 of an approved Illinois educator preparation program.

17 (f) Beginning on September 1, 2015, all candidates
18 completing teacher preparation programs in this State are
19 required to pass an evidence-based assessment of teacher
20 effectiveness approved by the State Board of Education, in
21 consultation with the State Educator Preparation and Licensure
22 Board. All recognized institutions offering approved teacher
23 preparation programs must begin phasing in the approved teacher
24 performance assessment no later than July 1, 2013.

25 (g) Tests of basic skills and content area knowledge and
26 the assessment of professional teaching shall be the tests that

1 from time to time are designated by the State Board of
2 Education, in consultation with the State Educator Preparation
3 and Licensure Board, and may be tests prepared by an
4 educational testing organization or tests designed by the State
5 Board of Education, in consultation with the State Educator
6 Preparation and Licensure Board. The areas to be covered by a
7 test of basic skills shall include reading, language arts, and
8 mathematics. The test of content area knowledge shall assess
9 content knowledge in a specific subject field. The tests must
10 be designed to be racially neutral to ensure that no person
11 taking the tests is discriminated against on the basis of race,
12 color, national origin, or other factors unrelated to the
13 person's ability to perform as a licensed employee. The score
14 required to pass the tests shall be fixed by the State Board of
15 Education, in consultation with the State Educator Preparation
16 and Licensure Board. The tests shall be administered not fewer
17 than 3 times a year at such time and place as may be designated
18 by the State Board of Education, in consultation with the State
19 Educator Preparation and Licensure Board.

20 The State Board shall implement a test or tests to assess
21 the speaking, reading, writing, and grammar skills of
22 applicants for an endorsement or a license issued under
23 subdivision (G) of paragraph (2) of Section 21B-20 of this Code
24 in the English language and in the language of the transitional
25 bilingual education program requested by the applicant.

26 (h) Except as provided in Section 34-6 of this Code, the

1 provisions of this Section shall apply equally in any school
2 district subject to Article 34 of this Code.

3 (i) The rules developed to implement and enforce the
4 testing requirements under this Section shall include
5 provisions governing test selection, test validation and
6 determination of a passing score, administration of the tests,
7 frequency of administration, applicant fees, frequency of
8 applicants taking the tests, the years for which a score is
9 valid, and appropriate special accommodations. The State Board
10 of Education shall develop such rules as may be needed to
11 ensure uniformity from year to year in the level of difficulty
12 for each form of an assessment.

13 (Source: P.A. 97-607, eff. 8-26-11; 98-361, eff. 1-1-14;
14 98-581, eff. 8-27-13; revised 9-9-13.)

15 (105 ILCS 5/27-24) (from Ch. 122, par. 27-24)

16 Sec. 27-24. Short title. Sections 27-24 through 27-24.10
17 ~~27-24.8~~ of this Article are known and may be cited as the
18 Driver Education Act.

19 (Source: P.A. 76-1835; revised 11-14-13.)

20 Section 275. The Critical Health Problems and
21 Comprehensive Health Education Act is amended by changing
22 Section 3 as follows:

23 (105 ILCS 110/3)

1 Sec. 3. Comprehensive Health Education Program. The
2 program established under this Act shall include, but not be
3 limited to, the following major educational areas as a basis
4 for curricula in all elementary and secondary schools in this
5 State: human ecology and health, human growth and development,
6 the emotional, psychological, physiological, hygienic and
7 social responsibilities of family life, including sexual
8 abstinence until marriage, prevention and control of disease,
9 including instruction in grades 6 through 12 on the prevention,
10 transmission and spread of AIDS, age-appropriate sexual abuse
11 and assault awareness and prevention education in grades
12 pre-kindergarten through 12, public and environmental health,
13 consumer health, safety education and disaster survival,
14 mental health and illness, personal health habits, alcohol,
15 drug use, and abuse including the medical and legal
16 ramifications of alcohol, drug, and tobacco use, abuse during
17 pregnancy, evidence-based and medically accurate information
18 regarding sexual abstinence, tobacco, nutrition, and dental
19 health. The program shall also provide course material and
20 instruction to advise pupils of the Abandoned Newborn Infant
21 Protection Act. The program shall include information about
22 cancer, including without limitation types of cancer, signs and
23 symptoms, risk factors, the importance of early prevention and
24 detection, and information on where to go for help.
25 Notwithstanding the above educational areas, the following
26 areas may also be included as a basis for curricula in all

1 elementary and secondary schools in this State: basic first aid
2 (including, but not limited to, cardiopulmonary resuscitation
3 and the Heimlich maneuver), heart disease, diabetes, stroke,
4 the prevention of child abuse, neglect, and suicide, and teen
5 dating violence in grades 7 through 12.

6 The school board of each public elementary and secondary
7 school in the State shall encourage all teachers and other
8 school personnel to acquire, develop, and maintain the
9 knowledge and skills necessary to properly administer
10 life-saving techniques, including without limitation the
11 Heimlich maneuver and rescue breathing. The training shall be
12 in accordance with standards of the American Red Cross, the
13 American Heart Association, or another nationally recognized
14 certifying organization. A school board may use the services of
15 non-governmental entities whose personnel have expertise in
16 life-saving techniques to instruct teachers and other school
17 personnel in these techniques. Each school board is encouraged
18 to have in its employ, or on its volunteer staff, at least one
19 person who is certified, by the American Red Cross or by
20 another qualified certifying agency, as qualified to
21 administer first aid and cardiopulmonary resuscitation. In
22 addition, each school board is authorized to allocate
23 appropriate portions of its institute or inservice days to
24 conduct training programs for teachers and other school
25 personnel who have expressed an interest in becoming qualified
26 to administer emergency first aid or cardiopulmonary

1 resuscitation. School boards are urged to encourage their
2 teachers and other school personnel who coach school athletic
3 programs and other extracurricular school activities to
4 acquire, develop, and maintain the knowledge and skills
5 necessary to properly administer first aid and cardiopulmonary
6 resuscitation in accordance with standards and requirements
7 established by the American Red Cross or another qualified
8 certifying agency. Subject to appropriation, the State Board of
9 Education shall establish and administer a matching grant
10 program to pay for half of the cost that a school district
11 incurs in training those teachers and other school personnel
12 who express an interest in becoming qualified to administer
13 cardiopulmonary resuscitation (which training must be in
14 accordance with standards of the American Red Cross, the
15 American Heart Association, or another nationally recognized
16 certifying organization) or in learning how to use an automated
17 external defibrillator. A school district that applies for a
18 grant must demonstrate that it has funds to pay half of the
19 cost of the training for which matching grant money is sought.
20 The State Board of Education shall award the grants on a
21 first-come, first-serve basis.

22 No pupil shall be required to take or participate in any
23 class or course on AIDS or family life instruction if his
24 parent or guardian submits written objection thereto, and
25 refusal to take or participate in the course or program shall
26 not be reason for suspension or expulsion of the pupil.

1 Curricula developed under programs established in
2 accordance with this Act in the major educational area of
3 alcohol and drug use and abuse shall include classroom
4 instruction in grades 5 through 12. The instruction, which
5 shall include matters relating to both the physical and legal
6 effects and ramifications of drug and substance abuse, shall be
7 integrated into existing curricula; and the State Board of
8 Education shall develop and make available to all elementary
9 and secondary schools in this State instructional materials and
10 guidelines which will assist the schools in incorporating the
11 instruction into their existing curricula. In addition, school
12 districts may offer, as part of existing curricula during the
13 school day or as part of an after school program, support
14 services and instruction for pupils or pupils whose parent,
15 parents, or guardians are chemically dependent.

16 (Source: P.A. 97-1147, eff. 1-24-13; 98-190, eff. 8-6-13;
17 98-441, eff. 1-1-14; revised 9-9-13.)

18 Section 280. The Public Community College Act is amended by
19 changing Section 2-16.02 as follows:

20 (110 ILCS 805/2-16.02) (from Ch. 122, par. 102-16.02)

21 Sec. 2-16.02. Grants. Any community college district that
22 maintains a community college recognized by the State Board
23 shall receive, when eligible, grants enumerated in this
24 Section. Funded semester credit hours or other measures or both

1 as specified by the State Board shall be used to distribute
2 grants to community colleges. Funded semester credit hours
3 shall be defined, for purposes of this Section, as the greater
4 of (1) the number of semester credit hours, or equivalent, in
5 all funded instructional categories of students who have been
6 certified as being in attendance at midterm during the
7 respective terms of the base fiscal year or (2) the average of
8 semester credit hours, or equivalent, in all funded
9 instructional categories of students who have been certified as
10 being in attendance at midterm during the respective terms of
11 the base fiscal year and the 2 prior fiscal years. For purposes
12 of this Section, "base fiscal year" means the fiscal year 2
13 years prior to the fiscal year for which the grants are
14 appropriated. Such students shall have been residents of
15 Illinois and shall have been enrolled in courses that are part
16 of instructional program categories approved by the State Board
17 and that are applicable toward an associate degree or
18 certificate. Courses that are eligible for reimbursement are
19 those courses for which the district pays 50% or more of the
20 program costs from unrestricted revenue sources, with the
21 exception of courses offered by contract with the Department of
22 Corrections in correctional institutions. For the purposes of
23 this Section, "unrestricted revenue sources" means those
24 revenues in which the provider of the revenue imposes no
25 financial limitations upon the district as it relates to the
26 expenditure of the funds. Except for Fiscal Year 2012, base

1 operating grants shall be paid based on rates per funded
2 semester credit hour or equivalent calculated by the State
3 Board for funded instructional categories using cost of
4 instruction, enrollment, inflation, and other relevant
5 factors. For Fiscal Year 2012, the allocations for base
6 operating grants to community college districts shall be the
7 same as they were in Fiscal Year 2011, reduced or increased
8 proportionately according to the appropriation for base
9 operating grants for Fiscal Year 2012.

10 Equalization grants shall be calculated by the State Board
11 by determining a local revenue factor for each district by: (A)
12 adding (1) each district's Corporate Personal Property
13 Replacement Fund allocations from the base fiscal year or the
14 average of the base fiscal year and prior year, whichever is
15 less, divided by the applicable statewide average tax rate to
16 (2) the district's most recently audited year's equalized
17 assessed valuation or the average of the most recently audited
18 year and prior year, whichever is less, (B) then dividing by
19 the district's audited full-time equivalent resident students
20 for the base fiscal year or the average for the base fiscal
21 year and the 2 prior fiscal years, whichever is greater, and
22 (C) then multiplying by the applicable statewide average tax
23 rate. The State Board shall calculate a statewide weighted
24 average threshold by applying the same methodology to the
25 totals of all districts' Corporate Personal Property Tax
26 Replacement Fund allocations, equalized assessed valuations,

1 and audited full-time equivalent district resident students
2 and multiplying by the applicable statewide average tax rate.
3 The difference between the statewide weighted average
4 threshold and the local revenue factor, multiplied by the
5 number of full-time equivalent resident students, shall
6 determine the amount of equalization funding that each district
7 is eligible to receive. A percentage factor, as determined by
8 the State Board, may be applied to the statewide threshold as a
9 method for allocating equalization funding. A minimum
10 equalization grant of an amount per district as determined by
11 the State Board shall be established for any community college
12 district which qualifies for an equalization grant based upon
13 the preceding criteria, but becomes ineligible for
14 equalization funding, or would have received a grant of less
15 than the minimum equalization grant, due to threshold
16 prorations applied to reduce equalization funding. As of July
17 1, 2013, a community college district eligible to receive an
18 equalization grant based upon the preceding criteria must
19 maintain a minimum required combined in-district tuition and
20 universal fee rate per semester credit hour equal to 70% of the
21 State-average combined rate, as determined by the State Board,
22 or the total revenue received by the community college district
23 from combined in-district tuition and universal fees must be at
24 least 30% of the total revenue received by the community
25 college district, as determined by the State Board, for
26 equalization funding. As of July 1, 2004, a community college

1 district must maintain a minimum required operating tax rate
2 equal to at least 95% of its maximum authorized tax rate to
3 qualify for equalization funding. This 95% minimum tax rate
4 requirement shall be based upon the maximum operating tax rate
5 as limited by the Property Tax Extension Limitation Law.

6 The State Board shall distribute such other grants as may
7 be authorized or appropriated by the General Assembly.

8 Each community college district entitled to State grants
9 under this Section must submit a report of its enrollment to
10 the State Board not later than 30 days following the end of
11 each semester, quarter, or term in a format prescribed by the
12 State Board. These semester credit hours, or equivalent, shall
13 be certified by each district on forms provided by the State
14 Board. Each district's certified semester credit hours, or
15 equivalent, are subject to audit pursuant to Section 3-22.1.

16 The State Board shall certify, prepare, and submit monthly
17 vouchers to the State Comptroller setting forth an amount equal
18 to one-twelfth of the grants approved by the State Board for
19 base operating grants and equalization grants. The State Board
20 shall prepare and submit to the State Comptroller vouchers for
21 payments of other grants as appropriated by the General
22 Assembly. If the amount appropriated for grants is different
23 from the amount provided for such grants under this Act, the
24 grants shall be proportionately reduced or increased
25 accordingly.

26 For the purposes of this Section, "resident student" means

1 a student in a community college district who maintains
2 residency in that district or meets other residency definitions
3 established by the State Board, and who was enrolled either in
4 one of the approved instructional program categories in that
5 district, or in another community college district to which the
6 resident's district is paying tuition under Section 6-2 or with
7 which the resident's district has entered into a cooperative
8 agreement in lieu of such tuition.

9 For the purposes of this Section, a "full-time equivalent"
10 student is equal to 30 semester credit hours.

11 The Illinois Community College Board Contracts and Grants
12 Fund is hereby created in the State Treasury. Items of income
13 to this fund shall include any grants, awards, endowments, or
14 like proceeds, and where appropriate, other funds made
15 available through contracts with governmental, public, and
16 private agencies or persons. The General Assembly shall from
17 time to time make appropriations payable from such fund for the
18 support, improvement, and expenses of the State Board and
19 Illinois community college districts.

20 (Source: P.A. 97-72, eff. 7-1-11; 97-1160, eff. 2-1-13; 98-46,
21 eff. 6-28-13; revised 8-12-13.)

22 Section 285. The Pawnbroker Regulation Act is amended by
23 changing Section 7 as follows:

24 (205 ILCS 510/7) (from Ch. 17, par. 4657)

1 Sec. 7. Daily report.

2 (a) Except as provided in subsection (b), it shall be the
3 duty of every pawnbroker to make out and deliver to the sheriff
4 of the county in which such pawnbroker does business, on each
5 day before the hours of 12 o'clock noon, a legible and exact
6 copy from the standard record book, as required in Section 5 of
7 this Act, that lists all personal property and any other
8 valuable thing received on deposit or purchased during the
9 preceding day, including the exact time when received or
10 purchased, and a description of the person or person by whom
11 left in pledge, or from whom the same were purchased; provided,
12 that in cities or towns having 25,000 or more inhabitants, a
13 copy of the ~~such~~ report shall at the same time also be
14 delivered to the superintendent of police or the chief police
15 officer of such city or town. Such report may be made by
16 computer printout or input memory device if the format has been
17 approved by the local law enforcement agency.

18 (b) In counties with more than 3,000,000 inhabitants, a
19 pawnbroker must provide the daily report to the sheriff only if
20 the pawnshop is located in an unincorporated area of the
21 county. Pawnbrokers located in cities or towns in such counties
22 must deliver such reports to the superintendent of police or
23 the chief police officer of such city or town.

24 (Source: P.A. 90-477, eff. 7-1-98; 90-602, eff. 7-1-98; revised
25 11-14-13.)

1 Section 290. The Alternative Health Care Delivery Act is
2 amended by changing Section 30 as follows:

3 (210 ILCS 3/30)

4 Sec. 30. Demonstration program requirements. The
5 requirements set forth in this Section shall apply to
6 demonstration programs.

7 (a) (Blank).

8 (a-5) There shall be no more than the total number of
9 postsurgical recovery care centers with a certificate of need
10 for beds as of January 1, 2008.

11 (a-10) There shall be no more than a total of 9 children's
12 respite care center alternative health care models in the
13 demonstration program, which shall be located as follows:

14 (1) Two in the City of Chicago.

15 (2) One in Cook County outside the City of Chicago.

16 (3) A total of 2 in the area comprised of DuPage, Kane,
17 Lake, McHenry, and Will counties.

18 (4) A total of 2 in municipalities with a population of
19 50,000 or more and not located in the areas described in
20 paragraphs (1), (2), or (3).

21 (5) A total of 2 in rural areas, as defined by the
22 Health Facilities and Services Review Board.

23 No more than one children's respite care model owned and
24 operated by a licensed skilled pediatric facility shall be
25 located in each of the areas designated in this subsection

1 (a-10).

2 (a-15) There shall be 5 authorized community-based
3 residential rehabilitation center alternative health care
4 models in the demonstration program.

5 (a-20) There shall be an authorized Alzheimer's disease
6 management center alternative health care model in the
7 demonstration program. The Alzheimer's disease management
8 center shall be located in Will County, owned by a
9 not-for-profit entity, and endorsed by a resolution approved by
10 the county board before the effective date of this amendatory
11 Act of the 91st General Assembly.

12 (a-25) There shall be no more than 10 birth center
13 alternative health care models in the demonstration program,
14 located as follows:

15 (1) Four in the area comprising Cook, DuPage, Kane,
16 Lake, McHenry, and Will counties, one of which shall be
17 owned or operated by a hospital and one of which shall be
18 owned or operated by a federally qualified health center.

19 (2) Three in municipalities with a population of 50,000
20 or more not located in the area described in paragraph (1)
21 of this subsection, one of which shall be owned or operated
22 by a hospital and one of which shall be owned or operated
23 by a federally qualified health center.

24 (3) Three in rural areas, one of which shall be owned
25 or operated by a hospital and one of which shall be owned
26 or operated by a federally qualified health center.

1 The first 3 birth centers authorized to operate by the
2 Department shall be located in or predominantly serve the
3 residents of a health professional shortage area as determined
4 by the United States Department of Health and Human Services.
5 There shall be no more than 2 birth centers authorized to
6 operate in any single health planning area for obstetric
7 services as determined under the Illinois Health Facilities
8 Planning Act. If a birth center is located outside of a health
9 professional shortage area, (i) the birth center shall be
10 located in a health planning area with a demonstrated need for
11 obstetrical service beds, as determined by the Health
12 Facilities and Services Review Board or (ii) there must be a
13 reduction in the existing number of obstetrical service beds in
14 the planning area so that the establishment of the birth center
15 does not result in an increase in the total number of
16 obstetrical service beds in the health planning area.

17 (b) Alternative health care models, other than a model
18 authorized under subsection (a-10) or (a-20), shall obtain a
19 certificate of need from the Health Facilities and Services
20 Review Board under the Illinois Health Facilities Planning Act
21 before receiving a license by the Department. If, after
22 obtaining its initial certificate of need, an alternative
23 health care delivery model that is a community based
24 residential rehabilitation center seeks to increase the bed
25 capacity of that center, it must obtain a certificate of need
26 from the Health Facilities and Services Review Board before

1 increasing the bed capacity. Alternative health care models in
2 medically underserved areas shall receive priority in
3 obtaining a certificate of need.

4 (c) An alternative health care model license shall be
5 issued for a period of one year and shall be annually renewed
6 if the facility or program is in substantial compliance with
7 the Department's rules adopted under this Act. A licensed
8 alternative health care model that continues to be in
9 substantial compliance after the conclusion of the
10 demonstration program shall be eligible for annual renewals
11 unless and until a different licensure program for that type of
12 health care model is established by legislation, except that a
13 postsurgical recovery care center meeting the following
14 requirements may apply within 3 years after August 25, 2009
15 (the effective date of Public Act 96-669) for a Certificate of
16 Need permit to operate as a hospital:

17 (1) The postsurgical recovery care center shall apply
18 to the Health Facilities and Services Review Board for a
19 Certificate of Need permit to discontinue the postsurgical
20 recovery care center and to establish a hospital.

21 (2) If the postsurgical recovery care center obtains a
22 Certificate of Need permit to operate as a hospital, it
23 shall apply for licensure as a hospital under the Hospital
24 Licensing Act and shall meet all statutory and regulatory
25 requirements of a hospital.

26 (3) After obtaining licensure as a hospital, any

1 license as an ambulatory surgical treatment center and any
2 license as a postsurgical ~~post-surgical~~ recovery care
3 center shall be null and void.

4 (4) The former postsurgical recovery care center that
5 receives a hospital license must seek and use its best
6 efforts to maintain certification under Titles XVIII and
7 XIX of the federal Social Security Act.

8 The Department may issue a provisional license to any
9 alternative health care model that does not substantially
10 comply with the provisions of this Act and the rules adopted
11 under this Act if (i) the Department finds that the alternative
12 health care model has undertaken changes and corrections which
13 upon completion will render the alternative health care model
14 in substantial compliance with this Act and rules and (ii) the
15 health and safety of the patients of the alternative health
16 care model will be protected during the period for which the
17 provisional license is issued. The Department shall advise the
18 licensee of the conditions under which the provisional license
19 is issued, including the manner in which the alternative health
20 care model fails to comply with the provisions of this Act and
21 rules, and the time within which the changes and corrections
22 necessary for the alternative health care model to
23 substantially comply with this Act and rules shall be
24 completed.

25 (d) Alternative health care models shall seek
26 certification under Titles XVIII and XIX of the federal Social

1 Security Act. In addition, alternative health care models shall
2 provide charitable care consistent with that provided by
3 comparable health care providers in the geographic area.

4 (d-5) (Blank).

5 (e) Alternative health care models shall, to the extent
6 possible, link and integrate their services with nearby health
7 care facilities.

8 (f) Each alternative health care model shall implement a
9 quality assurance program with measurable benefits and at
10 reasonable cost.

11 (Source: P.A. 96-31, eff. 6-30-09; 96-129, eff. 8-4-09; 96-669,
12 eff. 8-25-09; 96-812, eff. 1-1-10; 96-1000, eff. 7-2-10;
13 96-1071, eff. 7-16-10; 96-1123, eff. 1-1-11; 97-135, eff.
14 7-14-11; 97-333, eff. 8-12-11; 97-813, eff. 7-13-12; revised
15 11-12-13.)

16 Section 295. The Illinois Clinical Laboratory and Blood
17 Bank Act is amended by changing Section 7-101 as follows:

18 (210 ILCS 25/7-101) (from Ch. 111 1/2, par. 627-101)

19 Sec. 7-101. Examination of specimens. A clinical
20 laboratory shall examine specimens only at the request of (i) a
21 licensed physician, (ii) a licensed dentist, (iii) a licensed
22 podiatric physician, (iv) a licensed optometrist, (v) a
23 licensed physician assistant in accordance with the written
24 guidelines required under subdivision (3) of Section 4 and

1 under Section 7.5 of the Physician Assistant Practice Act of
2 1987, (v-A) an advanced practice nurse in accordance with the
3 written collaborative agreement required under Section 65-35
4 of the Nurse Practice Act, (vi) an authorized law enforcement
5 agency or, in the case of blood alcohol, at the request of the
6 individual for whom the test is to be performed in compliance
7 with Sections 11-501 and 11-501.1 of the Illinois Vehicle Code,
8 or (vii) a genetic counselor with the specific authority from a
9 referral to order a test or tests pursuant to subsection (b) of
10 Section 20 of the Genetic Counselor Licensing Act. If the
11 request to a laboratory is oral, the physician or other
12 authorized person shall submit a written request to the
13 laboratory within 48 hours. If the laboratory does not receive
14 the written request within that period, it shall note that fact
15 in its records. For purposes of this Section, a request made by
16 electronic mail or fax constitutes a written request.

17 (Source: P.A. 97-333, eff. 8-12-11; 98-185, eff. 1-1-14;
18 98-214, eff. 8-9-13; revised 10-15-13.)

19 Section 300. The Abused and Neglected Long Term Care
20 Facility Residents Reporting Act is amended by changing Section
21 4 as follows:

22 (210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

23 Sec. 4. Any long term care facility administrator, agent or
24 employee or any physician, hospital, surgeon, dentist,

1 osteopath, chiropractor, podiatric physician, accredited
2 religious practitioner who provides treatment by spiritual
3 means alone through prayer in accordance with the tenets and
4 practices of the accrediting church, coroner, social worker,
5 social services administrator, registered nurse, law
6 enforcement officer, field personnel of the Department of
7 Healthcare and Family Services, field personnel of the Illinois
8 Department of Public Health and County or Municipal Health
9 Departments, personnel of the Department of Human Services
10 (acting as the successor to the Department of Mental Health and
11 Developmental Disabilities or the Department of Public Aid),
12 personnel of the Guardianship and Advocacy Commission,
13 personnel of the State Fire Marshal, local fire department
14 inspectors or other personnel, or personnel of the Illinois
15 Department on Aging, or its subsidiary Agencies on Aging, or
16 employee of a facility licensed under the Assisted Living and
17 Shared Housing Act, having reasonable cause to believe any
18 resident with whom they have direct contact has been subjected
19 to abuse or neglect shall immediately report or cause a report
20 to be made to the Department. Persons required to make reports
21 or cause reports to be made under this Section include all
22 employees of the State of Illinois who are involved in
23 providing services to residents, including professionals
24 providing medical or rehabilitation services and all other
25 persons having direct contact with residents; and further
26 include all employees of community service agencies who provide

1 services to a resident of a public or private long term care
2 facility outside of that facility. Any long term care surveyor
3 of the Illinois Department of Public Health who has reasonable
4 cause to believe in the course of a survey that a resident has
5 been abused or neglected and initiates an investigation while
6 on site at the facility shall be exempt from making a report
7 under this Section but the results of any such investigation
8 shall be forwarded to the central register in a manner and form
9 described by the Department.

10 The requirement of this Act shall not relieve any long term
11 care facility administrator, agent or employee of
12 responsibility to report the abuse or neglect of a resident
13 under Section 3-610 of the Nursing Home Care Act or under
14 Section 3-610 of the ID/DD Community Care Act or under Section
15 2-107 of the Specialized Mental Health Rehabilitation Act of
16 2013.

17 In addition to the above persons required to report
18 suspected resident abuse and neglect, any other person may make
19 a report to the Department, or to any law enforcement officer,
20 if such person has reasonable cause to suspect a resident has
21 been abused or neglected.

22 This Section also applies to residents whose death occurs
23 from suspected abuse or neglect before being found or brought
24 to a hospital.

25 A person required to make reports or cause reports to be
26 made under this Section who fails to comply with the

1 requirements of this Section is guilty of a Class A
2 misdemeanor.

3 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
4 eff. 7-13-12; 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;
5 revised 9-9-13.)

6 Section 305. The Community Living Facilities Licensing Act
7 is amended by changing Section 9 as follows:

8 (210 ILCS 35/9) (from Ch. 111 1/2, par. 4189)

9 Sec. 9. Regular licenses.

10 (1) A regular license shall be valid for a one-year period
11 from the date of authorization. A license is not transferable.

12 (2) Within 120 to 150 days prior to the date of expiration
13 of the license, the licensee shall apply to the Department for
14 renewal of the license. The procedure for renewing a valid
15 license for a Community Living Facility shall be the same as
16 for applying for the initial license, pursuant to subsections
17 (1) through (4) of Section 7 of this Act. If the Department has
18 determined on the basis of available documentation that the
19 Community Living Facility is in substantial compliance with
20 this Act and the rules promulgated under this Act, and has
21 provided to the Department an accurate disclosure document in
22 accordance with the Alzheimer's Disease and Related Dementias
23 Special Care Disclosure Act, it shall renew the regular license
24 for another one-year period.

1 (3) Whenever ownership of a facility is transferred from
2 the licensee to any other person, agency, association,
3 corporation, partnership, or organization, the transferee
4 ~~transferree~~ must obtain a new probationary license. The
5 transferee ~~transferree~~ shall notify the Department of the
6 transfer and apply for a new license at least 30 days prior to
7 final transfer. The requirement for an on-site inspection in
8 Section 7 may be waived if the Department has conducted a
9 survey of the Community Living Facility within the past 60 days
10 and the survey disclosed substantial compliance with this Act
11 and rules and regulations promulgated hereunder.

12 (Source: P.A. 96-990, eff. 7-2-10; revised 9-11-13.)

13 Section 310. The Nursing Home Care Act is amended by
14 changing Sections 3-112 and 3-304.1 as follows:

15 (210 ILCS 45/3-112) (from Ch. 111 1/2, par. 4153-112)

16 Sec. 3-112. (a) Whenever ownership of a facility is
17 transferred from the person named in the license to any other
18 person, the transferee must obtain a new probationary license.
19 The transferee shall notify the Department of the transfer and
20 apply for a new license at least 30 days prior to final
21 transfer.

22 (b) The transferor shall notify the Department at least 30
23 days prior to final transfer. The transferor shall remain
24 responsible for the operation of the facility until such time

1 as a license is issued to the transferee ~~transferree~~.

2 (Source: P.A. 81-223; revised 9-11-13.)

3 (210 ILCS 45/3-304.1)

4 Sec. 3-304.1. Public computer access to information.

5 (a) The Department must make information regarding nursing
6 homes in the State available to the public in electronic form
7 on the World Wide Web, including all of the following
8 information:

9 (1) who regulates nursing homes;

10 (2) information in the possession of the Department
11 that is listed in Sections 3-210 and 3-304;

12 (3) deficiencies and plans of correction;

13 (4) enforcement remedies;

14 (5) penalty letters;

15 (6) designation of penalty monies;

16 (7) the U.S. Department of Health and Human Services'
17 Health Care Financing Administration special projects or
18 federally required inspections;

19 (8) advisory standards;

20 (9) deficiency-free surveys;

21 (10) enforcement actions and enforcement summaries;

22 (11) distressed facilities; ~~and~~

23 (12) the report submitted under Section 3-518; ~~and~~

24 (13) ~~(12)~~ a link to the most recent facility cost
25 report filed with the Department of Healthcare and Family

1 Services;

2 (14) ~~(13)~~ a link to the most recent Consumer Choice
3 Information Report filed with the Department on Aging;

4 (15) ~~(14)~~ whether the facility is part of a chain; the
5 facility shall be deemed part of a chain if it meets
6 criteria established by the United States Department of
7 Health and Human Services that identify it as owned by a
8 chain organization;

9 (16) ~~(15)~~ whether the facility is a for-profit or
10 not-for-profit facility; and

11 (17) ~~(16)~~ whether the facility is or is part of a
12 continuing care retirement community.

13 (b) No fee or other charge may be imposed by the Department
14 as a condition of accessing the information.

15 (c) The electronic public access provided through the World
16 Wide Web shall be in addition to any other electronic or print
17 distribution of the information.

18 (d) The information shall be made available as provided in
19 this Section in the shortest practicable time after it is
20 publicly available in any other form.

21 (Source: P.A. 98-85, eff. 7-15-13; 98-505, eff. 1-1-14; revised
22 9-9-13.)

23 Section 315. The Emergency Medical Services (EMS) Systems
24 Act is amended by changing Section 3.117 as follows:

1 (210 ILCS 50/3.117)

2 Sec. 3.117. Hospital Designations.

3 (a) The Department shall attempt to designate Primary
4 Stroke Centers in all areas of the State.

5 (1) The Department shall designate as many certified
6 Primary Stroke Centers as apply for that designation
7 provided they are certified by a nationally-recognized
8 certifying body, approved by the Department, and
9 certification criteria are consistent with the most
10 current nationally-recognized, evidence-based stroke
11 guidelines related to reducing the occurrence,
12 disabilities, and death associated with stroke.

13 (2) A hospital certified as a Primary Stroke Center by
14 a nationally-recognized certifying body approved by the
15 Department, shall send a copy of the Certificate to the
16 Department and shall be deemed, within 30 days of its
17 receipt by the Department, to be a State-designated Primary
18 Stroke Center.

19 (3) With respect to a hospital that is a designated
20 Primary Stroke Center, the Department shall have the
21 authority and responsibility to do the following:

22 (A) Suspend or revoke a hospital's Primary Stroke
23 Center designation upon receiving notice that the
24 hospital's Primary Stroke Center certification has
25 lapsed or has been revoked by the State recognized
26 certifying body.

1 (B) Suspend a hospital's Primary Stroke Center
2 designation, in extreme circumstances where patients
3 may be at risk for immediate harm or death, until such
4 time as the certifying body investigates and makes a
5 final determination regarding certification.

6 (C) Restore any previously suspended or revoked
7 Department designation upon notice to the Department
8 that the certifying body has confirmed or restored the
9 Primary Stroke Center certification of that previously
10 designated hospital.

11 (D) Suspend a hospital's Primary Stroke Center
12 designation at the request of a hospital seeking to
13 suspend its own Department designation.

14 (4) Primary Stroke Center designation shall remain
15 valid at all times while the hospital maintains its
16 certification as a Primary Stroke Center, in good standing,
17 with the certifying body. The duration of a Primary Stroke
18 Center designation shall coincide with the duration of its
19 Primary Stroke Center certification. Each designated
20 Primary Stroke Center shall have its designation
21 automatically renewed upon the Department's receipt of a
22 copy of the accrediting body's certification renewal.

23 (5) A hospital that no longer meets
24 nationally-recognized, evidence-based standards for
25 Primary Stroke Centers, or loses its Primary Stroke Center
26 certification, shall immediately notify the Department and

1 the Regional EMS Advisory Committee.

2 (b) The Department shall attempt to designate hospitals as
3 Emergent Stroke Ready Hospitals capable of providing emergent
4 stroke care in all areas of the State.

5 (1) The Department shall designate as many Emergent
6 Stroke Ready Hospitals as apply for that designation as
7 long as they meet the criteria in this Act.

8 (2) Hospitals may apply for, and receive, Emergent
9 Stroke Ready Hospital designation from the Department,
10 provided that the hospital attests, on a form developed by
11 the Department in consultation with the State Stroke
12 Advisory Subcommittee, that it meets, and will continue to
13 meet, the criteria for Emergent Stroke Ready Hospital
14 designation.

15 (3) Hospitals seeking Emergent Stroke Ready Hospital
16 designation shall develop policies and procedures that
17 consider nationally-recognized, evidence-based protocols
18 for the provision of emergent stroke care. Hospital
19 policies relating to emergent stroke care and stroke
20 patient outcomes shall be reviewed at least annually, or
21 more often as needed, by a hospital committee that oversees
22 quality improvement. Adjustments shall be made as
23 necessary to advance the quality of stroke care delivered.
24 Criteria for Emergent Stroke Ready Hospital designation of
25 hospitals shall be limited to the ability of a hospital to:

26 (A) create written acute care protocols related to

1 emergent stroke care;

2 (B) maintain a written transfer agreement with one
3 or more hospitals that have neurosurgical expertise;

4 (C) designate a director of stroke care, which may
5 be a clinical member of the hospital staff or the
6 designee of the hospital administrator, to oversee the
7 hospital's stroke care policies and procedures;

8 (D) administer thrombolytic therapy, or
9 subsequently developed medical therapies that meet
10 nationally-recognized, evidence-based stroke
11 guidelines;

12 (E) conduct brain image tests at all times;

13 (F) conduct blood coagulation studies at all
14 times; and

15 (G) maintain a log of stroke patients, which shall
16 be available for review upon request by the Department
17 or any hospital that has a written transfer agreement
18 with the Emergent Stroke Ready Hospital.

19 (4) With respect to Emergent Stroke Ready Hospital
20 designation, the Department shall have the authority and
21 responsibility to do the following:

22 (A) Require hospitals applying for Emergent Stroke
23 Ready Hospital designation to attest, on a form
24 developed by the Department in consultation with the
25 State Stroke Advisory Subcommittee, that the hospital
26 meets, and will continue to meet, the criteria for an a

1 Emergent Stroke Ready Hospital.

2 (B) Designate a hospital as an Emergent Stroke
3 Ready Hospital no more than 20 business days after
4 receipt of an attestation that meets the requirements
5 for attestation.

6 (C) Require annual written attestation, on a form
7 developed by the Department in consultation with the
8 State Stroke Advisory Subcommittee, by Emergent Stroke
9 Ready Hospitals to indicate compliance with Emergent
10 Stroke Ready Hospital criteria, as described in this
11 Section, and automatically renew Emergent Stroke Ready
12 Hospital designation of the hospital.

13 (D) Issue an Emergency Suspension of Emergent
14 Stroke Ready Hospital designation when the Director,
15 or his or her designee, has determined that the
16 hospital no longer meets the Emergent Stroke Ready
17 Hospital criteria and an immediate and serious danger
18 to the public health, safety, and welfare exists. If
19 the Emergent Stroke Ready Hospital fails to eliminate
20 the violation immediately or within a fixed period of
21 time, not exceeding 10 days, as determined by the
22 Director, the Director may immediately revoke the
23 Emergent Stroke Ready Hospital designation. The
24 Emergent Stroke Ready Hospital may appeal the
25 revocation within 15 days after receiving the
26 Director's revocation order, by requesting an

1 administrative hearing.

2 (E) After notice and an opportunity for an
3 administrative hearing, suspend, revoke, or refuse to
4 renew an Emergent Stroke Ready Hospital designation,
5 when the Department finds the hospital is not in
6 substantial compliance with current Emergent Stroke
7 Ready Hospital criteria.

8 (c) The Department shall consult with the State Stroke
9 Advisory Subcommittee for developing the designation and
10 de-designation processes for Primary Stroke Centers and
11 Emergent Stroke Ready Hospitals.

12 (Source: P.A. 96-514, eff. 1-1-10; revised 11-12-13.)

13 Section 320. The End Stage Renal Disease Facility Act is
14 amended by changing Section 60 as follows:

15 (210 ILCS 62/60)

16 Sec. 60. Notice of administrative actions; hearing
17 procedures.

18 (a) Notice of all administrative actions taken under this
19 Act shall be effected by registered mail, certified mail, or
20 personal service and shall set forth the particular reasons for
21 the proposed action and provide the applicant or licensee with
22 an opportunity to request a hearing. If a hearing request is
23 not received within 10 days after receipt of the notice of
24 administrative action, the right to a hearing is waived.

1 (b) The procedure governing hearings authorized by this
2 Section shall be in accordance with rules promulgated by the
3 Department consistent with this Act. A hearing shall be
4 conducted by the Director or by an individual designated in
5 writing by the Director as administrative law judge. A full and
6 complete record shall be kept of all proceedings, including
7 notice of hearing, complaint, and all other documents in the
8 nature of pleadings, written motions filed in the proceedings,
9 and the report and orders of the Director and administrative
10 law judge. All testimony shall be reported but need not be
11 transcribed unless the decision is appealed pursuant to Section
12 70 of this Act. Any interested party may obtain a copy or
13 copies of the transcript on payment of the cost of preparing
14 such copy or copies.

15 (c) The Director or administrative law judge shall, upon
16 his own motion or on the written request of any party to the
17 proceeding, issue subpoenas requiring the attendance and
18 testimony of witnesses and subpoenas duces tecum requiring the
19 production of books, papers, records or memoranda. The fees of
20 witnesses for attendance and travel shall be the same as the
21 fees of witnesses before any circuit court of this State. Such
22 fees shall be paid when the witness is excused from further
23 attendance. When the witness is subpoenaed at the instance of
24 the Director or administrative law judge, such fees shall be
25 paid in the same manner as other expenses of the Department.
26 When the witness is subpoenaed at the instance of any other

1 party to a proceeding, the Department may require that the cost
2 of service of the subpoena or subpoena duces tecum and the fee
3 of the witness be borne by the party at whose instance the
4 witness is summoned. In such case, the Department, in its
5 discretion, may require a deposit to cover the cost of such
6 service and witness fees. A subpoena or subpoena duces tecum
7 issued under this Section shall be served in the same manner as
8 a subpoena issued by a court.

9 (d) Any circuit court of this State, upon the application
10 of the Director or the application of any other party to the
11 proceeding, may, in its discretion, compel the attendance of
12 witnesses, the production of books, papers, records or
13 memoranda, and the giving of testimony before the Director or
14 administrative law judge conducting an investigation or
15 holding a hearing authorized by this Act, by an attachment for
16 contempt, or otherwise, in the same manner as production of
17 evidence may be compelled before the court.

18 (e) The Director or administrative law judge, or any party
19 in a hearing before the Department, may compel the attendance
20 of witnesses and the production of books, papers, records, or
21 memoranda.

22 (f) The Director or administrative law judge shall make
23 findings of fact in such hearing and the Director shall render
24 his decision within 60 days after the termination or waiving of
25 the hearing unless he or she requires additional time for a
26 proper disposition of the matter. When an ~~a~~ administrative law

1 judge has conducted the hearing, the Director shall review the
2 record and findings of fact before rendering a decision. A copy
3 of the findings of fact and decision of the Director shall be
4 served upon the applicant or licensee in person, by registered
5 mail or by certified mail in the same manner as the service of
6 the notice of hearing. The decision denying, suspending, or
7 revoking a license shall become final 35 days after it is
8 mailed or served, unless the applicant or licensee, within the
9 35-day period, petitions for review pursuant to Section 70 of
10 this Act.

11 (Source: P.A. 92-794, eff. 7-1-03; revised 11-13-13.)

12 Section 325. The Hospital Emergency Service Act is amended
13 by changing Section 1.3 as follows:

14 (210 ILCS 80/1.3)

15 Sec. 1.3. Long-term acute care hospitals. For the purpose
16 of this Act, general acute care hospitals designated by
17 Medicare as long-term acute care hospitals are not required to
18 provide hospital emergency services described in Section 1 of
19 this Act. Hospitals defined in this Section may provide
20 hospital emergency services at their option.

21 Any hospital defined in this Section that opts to
22 discontinue emergency services described in Section 1 shall:

23 (1) comply with all provisions of the federal Emergency
24 Medical Treatment and ~~&~~ Labor Act (EMTALA);

1 (2) comply with all provisions required under the
2 Social Security Act;

3 (3) provide annual notice to communities in the
4 hospital's service area about available emergency medical
5 services; and

6 (4) make educational materials available to
7 individuals who are present at the hospital concerning the
8 availability of medical services within the hospital's
9 service area.

10 Long-term acute care hospitals that operate standby
11 emergency services as of January 1, 2011 may discontinue
12 hospital emergency services by notifying the Department of
13 Public Health. Long-term acute care hospitals that operate
14 basic or comprehensive emergency services must notify the
15 Health Facilities and Services Review Board and follow the
16 appropriate procedures.

17 (Source: P.A. 97-667, eff. 1-13-12; revised 9-11-13.)

18 Section 330. The Language Assistance Services Act is
19 amended by changing Section 15 as follows:

20 (210 ILCS 87/15)

21 Sec. 15. Language assistance services.

22 (a) To ensure ~~insure~~ access to health care information and
23 services for limited-English-speaking or non-English-speaking
24 residents and deaf residents, a health facility must do the

1 following:

2 (1) Adopt and review annually a policy for providing
3 language assistance services to patients with language or
4 communication barriers. The policy shall include
5 procedures for providing, to the extent possible as
6 determined by the facility, the use of an interpreter
7 whenever a language or communication barrier exists,
8 except where the patient, after being informed of the
9 availability of the interpreter service, chooses to use a
10 family member or friend who volunteers to interpret. The
11 procedures shall be designed to maximize efficient use of
12 interpreters and minimize delays in providing interpreters
13 to patients. The procedures shall insure, to the extent
14 possible as determined by the facility, that interpreters
15 are available, either on the premises or accessible by
16 telephone, 24 hours a day. The facility shall annually
17 transmit to the Department of Public Health a copy of the
18 updated policy and shall include a description of the
19 facility's efforts to insure adequate and speedy
20 communication between patients with language or
21 communication barriers and staff.

22 (2) Develop, and post in conspicuous locations,
23 notices that advise patients and their families of the
24 availability of interpreters, the procedure for obtaining
25 an interpreter, and the telephone numbers to call for
26 filing complaints concerning interpreter service problems,

1 including, but not limited to, a TTY number for persons who
2 are deaf or hard of hearing. The notices shall be posted,
3 at a minimum, in the emergency room, the admitting area,
4 the facility entrance, and the outpatient area. Notices
5 shall inform patients that interpreter services are
6 available on request, shall list the languages most
7 commonly encountered at the facility for which interpreter
8 services are available, and shall instruct patients to
9 direct complaints regarding interpreter services to the
10 Department of Public Health, including the telephone
11 numbers to call for that purpose.

12 (3) Notify the facility's employees of the language
13 services available at the facility and train them on how to
14 make those language services available to patients.

15 (b) In addition, a health facility may do one or more of
16 the following:

17 (1) Identify and record a patient's primary language
18 and dialect on one or more of the following: a patient
19 medical chart, hospital bracelet, bedside notice, or
20 nursing card.

21 (2) Prepare and maintain, as needed, a list of
22 interpreters who have been identified as proficient in sign
23 language according to the Interpreter for the Deaf
24 Licensure Act of 2007 ~~Interpreters for the Deaf Act~~ and a
25 list of the languages of the population of the geographical
26 area served by the facility.

1 (3) Review all standardized written forms, waivers,
2 documents, and informational materials available to
3 patients on admission to determine which to translate into
4 languages other than English.

5 (4) Consider providing its nonbilingual staff with
6 standardized picture and phrase sheets for use in routine
7 communications with patients who have language or
8 communication barriers.

9 (5) Develop community liaison groups to enable the
10 facility and the limited-English-speaking,
11 non-English-speaking, and deaf communities to ensure
12 ~~insure~~ the adequacy of the interpreter services.

13 (Source: P.A. 95-667, eff. 10-11-07; revised 10-7-13.)

14 Section 335. The Mobile Home Park Act is amended by
15 changing Section 2 as follows:

16 (210 ILCS 115/2) (from Ch. 111 1/2, par. 712)

17 Sec. 2. Unless the context clearly requires otherwise, the
18 words and phrases set forth in the Sections following this
19 Section and preceding Section 3 ~~Sections 2.1 to 2.9 inclusive,~~
20 shall have the meanings set forth in this Act.

21 (Source: P.A. 78-1170; revised 11-13-13.)

22 Section 340. The Illinois Insurance Code is amended by
23 changing Section 500-100 as follows:

1 (215 ILCS 5/500-100)

2 (Section scheduled to be repealed on January 1, 2017)

3 Sec. 500-100. Limited lines producer license.

4 (a) An individual who is at least 18 years of age and whom
5 the Director considers to be competent, trustworthy, and of
6 good business reputation may obtain a limited lines producer
7 license for one or more of the following classes:

8 (1) insurance on baggage or limited travel health,
9 accident, or trip cancellation insurance sold in
10 connection with transportation provided by a common
11 carrier;

12 (2) industrial life insurance, as defined in Section
13 228 of this Code;

14 (3) industrial accident and health insurance, as
15 defined in Section 368 of this Code;

16 (4) insurance issued by a company organized under the
17 Farm Mutual Insurance Company Act of 1986;

18 (5) legal expense insurance;

19 (6) enrollment of recipients of public aid or medicare
20 in a health maintenance organization;

21 (7) a limited health care plan issued by an
22 organization having a certificate of authority under the
23 Limited Health Service Organization Act;

24 (8) credit life and credit accident and health
25 insurance and other credit insurance policies approved or

1 permitted by the Director; a credit insurance company must
2 conduct a training program in which an applicant shall
3 receive basic instruction about the credit insurance
4 products that he or she ~~they~~ will be selling.

5 (b) The application for a limited lines producer license
6 must be submitted on a form prescribed by the Director by a
7 designee of the insurance company, health maintenance
8 organization, or limited health service organization
9 appointing the limited insurance representative. The insurance
10 company, health maintenance organization, or limited health
11 service organization must pay the fee required by Section
12 500-135.

13 (c) A limited lines producer may represent more than one
14 insurance company, health maintenance organization, or limited
15 health service organization.

16 (d) An applicant who has met the requirements of this
17 Section shall be issued a perpetual limited lines producer
18 license.

19 (e) A limited lines producer license shall remain in effect
20 as long as the appointing insurance company pays the respective
21 fee required by Section 500-135 prior to January 1 of each
22 year, unless the license is revoked or suspended pursuant to
23 Section 500-70. Failure of the insurance company to pay the
24 license fee or to submit the required documents shall cause
25 immediate termination of the limited line insurance producer
26 license with respect to which the failure occurs.

1 (f) A limited lines producer license may be terminated by
2 the insurance company or the licensee.

3 (g) A person whom the Director considers to be competent,
4 trustworthy, and of good business reputation may be issued a
5 car rental limited line license. A car rental limited line
6 license for a rental company shall remain in effect as long as
7 the car rental limited line licensee pays the respective fee
8 required by Section 500-135 prior to the next fee date unless
9 the car rental license is revoked or suspended pursuant to
10 Section 500-70. Failure of the car rental limited line licensee
11 to pay the license fee or to submit the required documents
12 shall cause immediate suspension of the car rental limited line
13 license. A car rental limited line license for rental companies
14 may be voluntarily terminated by the car rental limited line
15 licensee. The license fee shall not be refunded upon
16 termination of the car rental limited line license by the car
17 rental limited line licensee.

18 (h) A limited lines producer issued a license pursuant to
19 this Section is not subject to the requirements of Section
20 500-30.

21 (i) A limited lines producer license must contain the name,
22 address and personal identification number of the licensee, the
23 date the license was issued, general conditions relative to the
24 license's expiration or termination, and any other information
25 the Director considers proper. A limited line producer license,
26 if applicable, must also contain the name and address of the

1 appointing insurance company.

2 (Source: P.A. 98-159, eff. 8-2-13; revised 11-12-13.)

3 Section 345. The Reinsurance Intermediary Act is amended by
4 changing Sections 20 and 45 as follows:

5 (215 ILCS 100/20) (from Ch. 73, par. 1620)

6 Sec. 20. Books and records; reinsurance intermediary
7 brokers.

8 (a) For at least 10 years after expiration of each contract
9 of reinsurance transacted by it, the intermediary broker shall
10 keep a complete record for each transaction showing:

11 (1) The type of contract, limits, underwriting
12 restrictions, classes or risks, and territory.

13 (2) Period of coverage, including effective and
14 expiration dates, cancellation provisions, and notice
15 required of cancellations.

16 (3) Reporting and settlement requirements of balances.

17 (4) Rate used to compute the reinsurance premium.

18 (5) Names and addresses of assuming reinsurers.

19 (6) Rates of all reinsurance commissions, including
20 the commissions on any retrocessions handled by the
21 intermediary broker.

22 (7) Related correspondence and memoranda.

23 (8) Proof of placement.

24 (9) Details regarding retrocessions handled by the

1 intermediary broker including the identity of
2 retrocessionaires and percentage of each contract assumed
3 or ceded.

4 (10) Financial records including, but not limited to,
5 premium and loss accounts.

6 (11) When an ~~a~~ intermediary broker procures a
7 reinsurance contract on behalf of a licensed ceding
8 insurer:

9 (A) directly from any assuming reinsurer, written
10 evidence that the assuming reinsurer has agreed to
11 assume the risk;

12 (B) if placed through a representative of the
13 assuming reinsurer, other than an employee, written
14 evidence that the reinsurer has delegated binding
15 authority to the representative.

16 (b) The insurer shall have access and the right to copy and
17 audit all accounts and records maintained by the intermediary
18 broker related to its business in a form usable by the insurer.

19 (Source: P.A. 87-108; revised 11-13-13.)

20 (215 ILCS 100/45) (from Ch. 73, par. 1645)

21 Sec. 45. Duties of reinsurers utilizing the services of a
22 reinsurance intermediary manager.

23 (a) A reinsurer shall not engage the services of any
24 person, firm, association, or corporation to act as an ~~a~~
25 intermediary manager on its behalf unless the person is

1 licensed as required by Section 10.

2 (b) The reinsurer shall annually obtain a copy of
3 statements, audited by an independent certified public
4 accountant in a form acceptable to the Director, of the
5 financial condition of each intermediary manager that the
6 reinsurer has contracted.

7 (c) If an intermediary manager establishes loss reserves,
8 the reinsurer shall annually obtain the opinion of an actuary
9 attesting to the adequacy of loss reserves established for
10 losses incurred and outstanding on business produced by the
11 intermediary manager. This opinion shall be in addition to any
12 other required loss reserve certification.

13 (d) Binding authority for all retrocessional contracts or
14 participation in reinsurance syndicates shall rest with an
15 officer of the reinsurer who shall not be affiliated with the
16 intermediary manager.

17 (e) Within 30 days of termination of a contract with an
18 intermediary manager, the reinsurer shall provide written
19 notification of termination to the Director.

20 (f) A reinsurer shall not appoint to its board of
21 directors, any officer, director, employee, controlling
22 shareholder, or subproducer of its intermediary manager. This
23 subsection shall not apply to relationships governed by the
24 Holding Company Act.

25 (Source: P.A. 87-108; revised 11-14-13.)

1 Section 350. The Illinois Health Benefits Exchange Law is
2 amended by changing Section 5-10 as follows:

3 (215 ILCS 122/5-10)

4 Sec. 5-10. Exchange functions.

5 (a) The Illinois Health Benefits Exchange shall meet the
6 core functions identified by Section 1311 of the Patient
7 Protection and Affordable Care Act and subsequent federal
8 guidance and regulations.

9 (b) In order to meet the deadline of October 1, 2013
10 established by federal law to have operational a State
11 exchange, the Department of Insurance and the Commission on
12 Government ~~Governmental~~ Forecasting and Accountability is
13 authorized to apply for, accept, receive, and use as
14 appropriate for and on behalf of the State any grant money
15 provided by the federal government and to share federal grant
16 funding with, give support to, and coordinate with other
17 agencies of the State and federal government or third parties
18 as determined by the Governor.

19 (Source: P.A. 97-142, eff. 7-14-11; revised 9-11-13.)

20 Section 355. The Viatical Settlements Act of 2009 is
21 amended by changing Section 72 as follows:

22 (215 ILCS 159/72)

23 Sec. 72. Crimes and offenses.

1 (a) A person acting in this State as a viatical settlement
2 provider without having been licensed pursuant to Section 10 of
3 this Act who willfully violates any provision of this Act or
4 any rule adopted or order issued under this Act is guilty of a
5 Class A misdemeanor and may be subject to a fine of not more
6 than \$3,000. When such violation results in a loss of more than
7 \$10,000, the person shall be guilty of a Class 3 felony and may
8 be subject to a fine of not more than \$10,000.

9 (b) A person acting in this State as a viatical settlement
10 broker without having met the licensure and notification
11 requirements established by Section 10 of this Act who
12 willfully violates any provision of this Act or any rule
13 adopted or order issued under this Act is guilty of a Class A
14 misdemeanor and may be subject to a fine of not more than
15 \$3,000. When such violation results in a loss of more than
16 \$10,000, the person shall be guilty of a Class 3 felony and may
17 be subject to a fine of not more than \$10,000.

18 (c) The Director may refer such evidence as is available
19 concerning violations of this Act or any rule adopted or order
20 issued under this Act or of the failure of a person to comply
21 with the licensing requirements of this Act to the Attorney
22 General or the proper county attorney who may, with or without
23 such reference, institute the appropriate criminal proceedings
24 under this Act.

25 (d) A person commits the offense of viatical settlement
26 fraud when:

1 (1) For the purpose of depriving another of property or
2 for pecuniary gain any person knowingly:

3 (A) presents, causes to be presented, or prepares
4 with knowledge or belief that it will be presented to
5 or by a viatical settlement provider, viatical
6 settlement broker, life expectancy provider, viatical
7 settlement purchaser, financing entity, insurer,
8 insurance producer, or any other person, false
9 material information, or conceals material
10 information, as part of, in support of or concerning a
11 fact material to one or more of the following:

12 (i) an application for the issuance of a
13 viatical settlement contract or insurance policy;

14 (ii) the underwriting of a viatical settlement
15 contract or insurance policy;

16 (iii) a claim for payment or benefit pursuant
17 to a viatical settlement contract or insurance
18 policy;

19 (iv) premiums paid on an insurance policy;

20 (v) payments and changes in ownership or
21 beneficiary made in accordance with the terms of a
22 viatical settlement contract or insurance policy;

23 (vi) the reinstatement or conversion of an
24 insurance policy;

25 (vii) in the solicitation, offer,
26 effectuation, or sale of a viatical settlement

1 contract or insurance policy;

2 (viii) the issuance of written evidence of a
3 viatical settlement contract or insurance; or

4 (ix) a financing transaction; or

5 (B) employs any plan, financial structure, device,
6 scheme, or artifice to defraud related to viaticated
7 policies; or

8 (C) enters into any act, practice, or arrangement
9 which involves stranger-originated life insurance;~~;~~

10 (2) In furtherance of a scheme to defraud, to further a
11 fraud, or to prevent or hinder the detection of a scheme to
12 defraud any person knowingly does or permits his employees
13 or agents to do any of the following:

14 (A) remove, conceal, alter, destroy, or sequester
15 from the Director the assets or records of a licensee
16 or other person engaged in the business of viatical
17 settlements;

18 (B) misrepresent or conceal the financial
19 condition of a licensee, financing entity, insurer, or
20 other person;

21 (C) transact the business of viatical settlements
22 in violation of laws requiring a license, certificate
23 of authority, or other legal authority for the
24 transaction of the business of viatical settlements;
25 or

26 (D) file with the Director or the equivalent chief

1 insurance regulatory official of another jurisdiction
2 a document containing false information or otherwise
3 conceals information about a material fact from the
4 Director;

5 (3) Any person knowingly steals, misappropriates, or
6 converts monies, funds, premiums, credits, or other
7 property of a viatical settlement provider, insurer,
8 insured, viator, insurance policyowner, or any other
9 person engaged in the business of viatical settlements or
10 insurance;

11 (4) Any person recklessly enters into, negotiates,
12 brokers, or otherwise deals in a viatical settlement
13 contract, the subject of which is a life insurance policy
14 that was obtained by presenting false information
15 concerning any fact material to the policy or by
16 concealing, for the purpose of misleading another,
17 information concerning any fact material to the policy,
18 where the person or the persons intended to defraud the
19 policy's issuer, the viatical settlement provider or the
20 viator; or

21 (5) Any person facilitates the change of state of
22 ownership of a policy or the state of residency of a viator
23 to a state or jurisdiction that does not have a law similar
24 to this Act for the express purposes of evading or avoiding
25 the provisions of this Act.

26 (e) For purposes of this Section, "person" means (i) an

1 individual, (ii) a corporation, (iii) an officer, agent, or
2 employee of a corporation, (iv) a member, agent, or employee of
3 a partnership, or (v) a member, manager, employee, officer,
4 director, or agent of a limited liability company who, in any
5 such capacity described by this subsection (e), commits
6 viatical settlement fraud.

7 (Source: P.A. 96-736, eff. 7-1-10; 97-813, eff. 7-13-12;
8 revised 11-14-13.)

9 Section 360. The Health Carrier External Review Act is
10 amended by changing Section 10 as follows:

11 (215 ILCS 180/10)

12 Sec. 10. Definitions. For the purposes of this Act:

13 "Adverse determination" means:

14 (1) a determination by a health carrier or its designee
15 utilization review organization that, based upon the
16 information provided, a request for a benefit under the
17 health carrier's health benefit plan upon application of
18 any utilization review technique does not meet the health
19 carrier's requirements for medical necessity,
20 appropriateness, health care setting, level of care, or
21 effectiveness or is determined to be experimental or
22 investigational and the requested benefit is therefore
23 denied, reduced, or terminated or payment is not provided
24 or made, in whole or in part, for the benefit;

1 (2) the denial, reduction, or termination of or failure
2 to provide or make payment, in whole or in part, for a
3 benefit based on a determination by a health carrier or its
4 designee utilization review organization that a
5 preexisting condition was present before the effective
6 date of coverage; or

7 (3) a rescission ~~recission~~ of coverage determination,
8 which does not include a cancellation or discontinuance of
9 coverage that is attributable to a failure to timely pay
10 required premiums or contributions towards the cost of
11 coverage.

12 "Authorized representative" means:

13 (1) a person to whom a covered person has given express
14 written consent to represent the covered person for
15 purposes of this Law;

16 (2) a person authorized by law to provide substituted
17 consent for a covered person;

18 (3) a family member of the covered person or the
19 covered person's treating health care professional when
20 the covered person is unable to provide consent;

21 (4) a health care provider when the covered person's
22 health benefit plan requires that a request for a benefit
23 under the plan be initiated by the health care provider; or

24 (5) in the case of an urgent care request, a health
25 care provider with knowledge of the covered person's
26 medical condition.

1 "Best evidence" means evidence based on:

2 (1) randomized clinical trials;

3 (2) if randomized clinical trials are not available,
4 then cohort studies or case-control studies;

5 (3) if items (1) and (2) are not available, then
6 case-series; or

7 (4) if items (1), (2), and (3) are not available, then
8 expert opinion.

9 "Case-series" means an evaluation of a series of patients
10 with a particular outcome, without the use of a control group.

11 "Clinical review criteria" means the written screening
12 procedures, decision abstracts, clinical protocols, and
13 practice guidelines used by a health carrier to determine the
14 necessity and appropriateness of health care services.

15 "Cohort study" means a prospective evaluation of 2 groups
16 of patients with only one group of patients receiving specific
17 intervention.

18 "Concurrent review" means a review conducted during a
19 patient's stay or course of treatment in a facility, the office
20 of a health care professional, or other inpatient or outpatient
21 health care setting.

22 "Covered benefits" or "benefits" means those health care
23 services to which a covered person is entitled under the terms
24 of a health benefit plan.

25 "Covered person" means a policyholder, subscriber,
26 enrollee, or other individual participating in a health benefit

1 plan.

2 "Director" means the Director of the Department of
3 Insurance.

4 "Emergency medical condition" means a medical condition
5 manifesting itself by acute symptoms of sufficient severity,
6 including, but not limited to, severe pain, such that a prudent
7 layperson who possesses an average knowledge of health and
8 medicine could reasonably expect the absence of immediate
9 medical attention to result in:

10 (1) placing the health of the individual or, with
11 respect to a pregnant woman, the health of the woman or her
12 unborn child, in serious jeopardy;

13 (2) serious impairment to bodily functions; or

14 (3) serious dysfunction of any bodily organ or part.

15 "Emergency services" means health care items and services
16 furnished or required to evaluate and treat an emergency
17 medical condition.

18 "Evidence-based standard" means the conscientious,
19 explicit, and judicious use of the current best evidence based
20 on an overall systematic review of the research in making
21 decisions about the care of individual patients.

22 "Expert opinion" means a belief or an interpretation by
23 specialists with experience in a specific area about the
24 scientific evidence pertaining to a particular service,
25 intervention, or therapy.

26 "Facility" means an institution providing health care

1 services or a health care setting.

2 "Final adverse determination" means an adverse
3 determination involving a covered benefit that has been upheld
4 by a health carrier, or its designee utilization review
5 organization, at the completion of the health carrier's
6 internal grievance process procedures as set forth by the
7 Managed Care Reform and Patient Rights Act.

8 "Health benefit plan" means a policy, contract,
9 certificate, plan, or agreement offered or issued by a health
10 carrier to provide, deliver, arrange for, pay for, or reimburse
11 any of the costs of health care services.

12 "Health care provider" or "provider" means a physician,
13 hospital facility, or other health care practitioner licensed,
14 accredited, or certified to perform specified health care
15 services consistent with State law, responsible for
16 recommending health care services on behalf of a covered
17 person.

18 "Health care services" means services for the diagnosis,
19 prevention, treatment, cure, or relief of a health condition,
20 illness, injury, or disease.

21 "Health carrier" means an entity subject to the insurance
22 laws and regulations of this State, or subject to the
23 jurisdiction of the Director, that contracts or offers to
24 contract to provide, deliver, arrange for, pay for, or
25 reimburse any of the costs of health care services, including a
26 sickness and accident insurance company, a health maintenance

1 organization, or any other entity providing a plan of health
2 insurance, health benefits, or health care services. "Health
3 carrier" also means Limited Health Service Organizations
4 (LHSO) and Voluntary Health Service Plans.

5 "Health information" means information or data, whether
6 oral or recorded in any form or medium, and personal facts or
7 information about events or relationships that relate to:

8 (1) the past, present, or future physical, mental, or
9 behavioral health or condition of an individual or a member
10 of the individual's family;

11 (2) the provision of health care services to an
12 individual; or

13 (3) payment for the provision of health care services
14 to an individual.

15 "Independent review organization" means an entity that
16 conducts independent external reviews of adverse
17 determinations and final adverse determinations.

18 "Medical or scientific evidence" means evidence found in
19 the following sources:

20 (1) peer-reviewed scientific studies published in or
21 accepted for publication by medical journals that meet
22 nationally recognized requirements for scientific
23 manuscripts and that submit most of their published
24 articles for review by experts who are not part of the
25 editorial staff;

26 (2) peer-reviewed medical literature, including

1 literature relating to therapies reviewed and approved by a
2 qualified institutional review board, biomedical
3 compendia, and other medical literature that meet the
4 criteria of the National Institutes of Health's Library of
5 Medicine for indexing in Index Medicus (Medline) and
6 Elsevier Science Ltd. for indexing in Excerpta Medicus
7 (EMBASE);

8 (3) medical journals recognized by the Secretary of
9 Health and Human Services under Section 1861(t)(2) of the
10 federal Social Security Act;

11 (4) the following standard reference compendia:

12 (a) The American Hospital Formulary Service-Drug
13 Information;

14 (b) Drug Facts and Comparisons;

15 (c) The American Dental Association Accepted
16 Dental Therapeutics; and

17 (d) The United States Pharmacopoeia-Drug
18 Information;

19 (5) findings, studies, or research conducted by or
20 under the auspices of federal government agencies and
21 nationally recognized federal research institutes,
22 including:

23 (a) the federal Agency for Healthcare Research and
24 Quality;

25 (b) the National Institutes of Health;

26 (c) the National Cancer Institute;

1 (d) the National Academy of Sciences;

2 (e) the Centers for Medicare & Medicaid Services;

3 (f) the federal Food and Drug Administration; and

4 (g) any national board recognized by the National
5 Institutes of Health for the purpose of evaluating the
6 medical value of health care services; or

7 (6) any other medical or scientific evidence that is
8 comparable to the sources listed in items (1) through (5).

9 "Person" means an individual, a corporation, a
10 partnership, an association, a joint venture, a joint stock
11 company, a trust, an unincorporated organization, any similar
12 entity, or any combination of the foregoing.

13 "Prospective review" means a review conducted prior to an
14 admission or the provision of a health care service or a course
15 of treatment in accordance with a health carrier's requirement
16 that the health care service or course of treatment, in whole
17 or in part, be approved prior to its provision.

18 "Protected health information" means health information
19 (i) that identifies an individual who is the subject of the
20 information; or (ii) with respect to which there is a
21 reasonable basis to believe that the information could be used
22 to identify an individual.

23 "Randomized clinical trial" means a controlled prospective
24 study of patients that have been randomized into an
25 experimental group and a control group at the beginning of the
26 study with only the experimental group of patients receiving a

1 specific intervention, which includes study of the groups for
2 variables and anticipated outcomes over time.

3 "Retrospective review" means any review of a request for a
4 benefit that is not a concurrent or prospective review request.

5 "Retrospective review" does not include the review of a claim
6 that is limited to veracity of documentation or accuracy of
7 coding.

8 "Utilization review" has the meaning provided by the
9 Managed Care Reform and Patient Rights Act.

10 "Utilization review organization" means a utilization
11 review program as defined in the Managed Care Reform and
12 Patient Rights Act.

13 (Source: P.A. 96-857, eff. 7-1-10; 97-574, eff. 8-26-11;
14 97-813, eff. 7-13-12; revised 11-14-13.)

15 Section 365. The Public Utilities Act is amended by
16 changing Sections 13-903 and 21-401 as follows:

17 (220 ILCS 5/13-903)

18 (Section scheduled to be repealed on July 1, 2015)

19 Sec. 13-903. Authorization, verification or notification,
20 and dispute resolution for covered product and service charges
21 on the telephone bill.

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

23 (1) "Subscriber" means a telecommunications carrier's
24 retail business customer served by not more than 20 lines

1 or a retail residential customer.

2 (2) "Telecommunications carrier" has the meaning given
3 in Section 13-202 of the Public Utilities Act and includes
4 agents and employees of a telecommunications carrier,
5 except that "telecommunications carrier" does not include
6 a provider of commercial mobile radio services (as defined
7 by 47 U.S.C. 332(d)(1)).

8 (b) Applicability of Section. This Section does not apply
9 to:

10 (1) changes in a subscriber's local exchange
11 telecommunications service or interexchange
12 telecommunications service;

13 (2) message telecommunications charges that are
14 initiated by dialing 1+, 0+, 0-, 1010XXX, or collect calls
15 and charges for video services if the service provider has
16 the necessary call detail record to establish the billing
17 for the call or service; and

18 (3) telecommunications services available on a
19 subscriber's line when the subscriber activates and pays
20 for the services on a per use basis.

21 (c) Requirements for billing authorized charges. A
22 telecommunications carrier shall meet all of the following
23 requirements before submitting charges for any product or
24 service to be billed on any subscriber's telephone bill:

25 (1) Inform the subscriber. The telecommunications
26 carrier offering the product or service must thoroughly

1 inform the subscriber of the product or service being
2 offered, including all associated charges, and explicitly
3 inform the subscriber that the associated charges for the
4 product or service will appear on the subscriber's
5 telephone bill.

6 (2) Obtain subscriber authorization. The subscriber
7 must have clearly and explicitly consented to obtaining the
8 product or service offered and to having the associated
9 charges appear on the subscriber's telephone bill. The
10 consent must be verified by the service provider in
11 accordance with subsection (d) of this Section. A record of
12 the consent must be maintained by the telecommunications
13 carrier offering the product or service for at least 24
14 months immediately after the consent and verification were
15 obtained.

16 (d) Verification or notification. Except in
17 subscriber-initiated transactions with a certificated
18 telecommunications carrier for which the telecommunications
19 carrier has the appropriate documentation, the
20 telecommunications carrier, after obtaining the subscriber's
21 authorization in the required manner, shall either verify the
22 authorization or notify the subscriber as follows:

23 (1) Independent third-party verification:

24 (A) Verification shall be obtained by an
25 independent third party that:

26 (i) operates from a facility physically

1 separate from that of the telecommunications
2 carrier;

3 (ii) is not directly or indirectly managed,
4 controlled, directed, or owned wholly or in part by
5 the telecommunications carrier or the carrier's
6 marketing agent; and

7 (iii) does not derive commissions or
8 compensation based upon the number of sales
9 confirmed.

10 (B) The third-party verification agent shall
11 state, and shall obtain the subscriber's
12 acknowledgment of, the following disclosures:

13 (i) the subscriber's name, address, and the
14 telephone numbers of all telephone lines that will
15 be charged for the product or service of the
16 telecommunications carrier;

17 (ii) that the person speaking to the third
18 party verification agent is in fact the
19 subscriber;

20 (iii) that the subscriber wishes to purchase
21 the product or service of the telecommunications
22 carrier and is agreeing to do so;

23 (iv) that the subscriber understands that the
24 charges for the product or service of the
25 telecommunications carrier will appear on the
26 subscriber's telephone bill; and

1 (v) the name and customer service telephone
2 number of the telecommunications carrier.

3 (C) The telecommunications carrier shall retain,
4 electronically or otherwise, proof of the verification
5 of sales for a minimum of 24 months.

6 (2) Notification. Written notification shall be
7 provided as follows:

8 (A) the telecommunications carrier shall mail a
9 letter to the subscriber using first class mail,
10 postage prepaid, no later than 10 days after initiation
11 of the product or service;

12 (B) the letter shall be a separate document sent
13 for the sole purpose of describing the product or
14 service of the telecommunications carrier;

15 (C) the letter shall be printed with 10-point or
16 larger type and clearly and conspicuously disclose the
17 material terms and conditions of the offer of the
18 telecommunications carrier, as described in paragraph
19 (1) of subsection (c);

20 (D) the letter shall contain a toll-free telephone
21 number the subscriber can call to cancel the product or
22 service;

23 (E) the telecommunications carrier shall retain,
24 electronically or otherwise, proof of written
25 notification for a minimum of 24 months; and

26 (F) written notification can be provided via

1 electronic mail if consumers are given the disclosures
2 required by Section 101(c) of the Electronic
3 Signatures in Global and National Commerce Act.

4 (e) Unauthorized charges.

5 (1) Responsibilities of the billing telecommunications
6 carrier for unauthorized charges. If a subscriber's
7 telephone bill is charged for any product or service
8 without proper subscriber authorization and verification
9 or notification of authorization in compliance with this
10 Section, the telecommunications carrier that billed the
11 subscriber, on its knowledge or notification of any
12 unauthorized charge, shall promptly, but not later than 45
13 days after the date of the knowledge or notification of an
14 unauthorized charge:

15 (A) notify the product or service provider to
16 immediately cease charging the subscriber for the
17 unauthorized product or service;

18 (B) remove the unauthorized charge from the
19 subscriber's bill; and

20 (C) refund or credit to the subscriber all money
21 that the subscriber has paid for any unauthorized
22 charge.

23 (f) The Commission shall promulgate any rules necessary to
24 ensure that subscribers are not billed on the telephone bill
25 for products or services in a manner not in compliance with
26 this Section. The rules promulgated under this Section shall

1 comport with the rules, if any, promulgated by the Attorney
2 General pursuant to the Consumer Fraud and Deceptive Business
3 Practices Act and with any rules promulgated by the Federal
4 Communications Commission or Federal Trade Commission.

5 (g) Complaints may be filed with the Commission under this
6 Section by a subscriber who has been billed on the telephone
7 bill for products or services not in compliance with this
8 Section or by the Commission on its own motion. Upon filing of
9 the complaint, the parties may mutually agree to submit the
10 complaint to the Commission's established mediation process.
11 Remedies in the mediation process may include, but shall not be
12 limited to, the remedies set forth in paragraphs (1) through
13 (4) of this subsection. In its discretion, the Commission may
14 deny the availability of the mediation process and submit the
15 complaint to hearings. If the complaint is not submitted to
16 mediation or if no agreement is reached during the mediation
17 process, hearings shall be held on the complaint pursuant to
18 Article X ~~10~~ of this Act. If after notice and hearing, the
19 Commission finds that a telecommunications carrier has
20 violated this Section or a rule promulgated under this Section,
21 the Commission may in its discretion order any one or more of
22 the following:

23 (1) Require the violating telecommunications carrier
24 to pay a fine of up to \$1,000 into the Public Utility Fund
25 for each repeated and intentional violation of this
26 Section.

1 (2) Require the violating carrier to refund or cancel
2 all charges for products or services not billed in
3 compliance with this Section.

4 (3) Issue a cease and desist order.

5 (4) For a pattern of violation of this Section or for
6 intentionally violating a cease and desist order, revoke
7 the violating telecommunications carrier's certificate of
8 service authority.

9 (Source: P.A. 92-22, eff. 6-30-01; revised 11-12-13.)

10 (220 ILCS 5/21-401)

11 (Section scheduled to be repealed on July 1, 2015)

12 Sec. 21-401. Applications.

13 (a)(1) A person or entity seeking to provide cable service
14 or video service pursuant to this Article shall not use the
15 public rights-of-way for the installation or construction of
16 facilities for the provision of cable service or video service
17 or offer cable service or video service until it has obtained a
18 State-issued authorization to offer or provide cable or video
19 service under this Section, except as provided for in item (2)
20 of this subsection (a). All cable or video providers offering
21 or providing service in this State shall have authorization
22 pursuant to either (i) the Cable and Video Competition Law of
23 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
24 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
25 5-1095 of the Counties Code (55 ILCS 5/5-1095).

1 (2) Nothing in this Section shall prohibit a local unit of
2 government from granting a permit to a person or entity for the
3 use of the public rights-of-way to install or construct
4 facilities to provide cable service or video service, at its
5 sole discretion. No unit of local government shall be liable
6 for denial or delay of a permit prior to the issuance of a
7 State-issued authorization.

8 (b) The application to the Commission for State-issued
9 authorization shall contain a completed affidavit submitted by
10 the applicant and signed by an officer or general partner of
11 the applicant affirming all of the following:

12 (1) That the applicant has filed or will timely file
13 with the Federal Communications Commission all forms
14 required by that agency in advance of offering cable
15 service or video service in this State.

16 (2) That the applicant agrees to comply with all
17 applicable federal and State statutes and regulations.

18 (3) That the applicant agrees to comply with all
19 applicable local unit of government regulations.

20 (4) An exact description of the cable service or video
21 service area where the cable service or video service will
22 be offered during the term of the State-issued
23 authorization. The service area shall be identified in
24 terms of either (i) exchanges, as that term is defined in
25 Section 13-206 of this Act; (ii) a collection of United
26 States Census Bureau Block numbers (13 digit); (iii) if the

1 area is smaller than the areas identified in either (i) or
2 (ii), by geographic information system digital boundaries
3 meeting or exceeding national map accuracy standards; or
4 (iv) local unit of government. The description shall
5 include the number of low-income households within the
6 service area or footprint. If an applicant is ~~a~~ an
7 incumbent cable operator, the incumbent cable operator and
8 any successor-in-interest shall be obligated to provide
9 access to cable services or video services within any local
10 units of government at the same levels required by the
11 local franchising authorities for the local unit of
12 government on June 30, 2007 (the effective date of Public
13 Act 95-9), and its application shall provide a description
14 of an area no smaller than the service areas contained in
15 its franchise or franchises within the jurisdiction of the
16 local unit of government in which it seeks to offer cable
17 or video service.

18 (5) The location and telephone number of the
19 applicant's principal place of business within this State
20 and the names of the applicant's principal executive
21 officers who are responsible for communications concerning
22 the application and the services to be offered pursuant to
23 the application, the applicant's legal name, and any name
24 or names under which the applicant does or will provide
25 cable services or video services in this State.

26 (6) A certification that the applicant has

1 concurrently delivered a copy of the application to all
2 local units of government that include all or any part of
3 the service area identified in item (4) of this subsection
4 (b) within such local unit of government's jurisdictional
5 boundaries.

6 (7) The expected date that cable service or video
7 service will be initially offered in the area identified in
8 item (4) of this subsection (b). In the event that a holder
9 does not offer cable services or video services within 3
10 months after the expected date, it shall amend its
11 application and update the expected date service will be
12 offered and explain the delay in offering cable services or
13 video services.

14 (8) For any entity that received State-issued
15 authorization prior to this amendatory Act of the 98th
16 General Assembly as a cable operator and that intends to
17 proceed as a cable operator under this Article, the entity
18 shall file a written affidavit with the Commission and
19 shall serve a copy of the affidavit with any local units of
20 government affected by the authorization within 30 days
21 after the effective date of this amendatory Act of the 98th
22 General Assembly stating that the holder will be providing
23 cable service under the State-issued authorization.

24 The application shall include adequate assurance that the
25 applicant possesses the financial, managerial, legal, and
26 technical qualifications necessary to construct and operate

1 the proposed system, to promptly repair any damage to the
2 public right-of-way caused by the applicant, and to pay the
3 cost of removal of its facilities. To accomplish these
4 requirements, the applicant may, at the time the applicant
5 seeks to use the public rights-of-way in that jurisdiction, be
6 required by the State of Illinois or later be required by the
7 local unit of government, or both, to post a bond, produce a
8 certificate of insurance, or otherwise demonstrate its
9 financial responsibility.

10 The application shall include the applicant's general
11 standards related to customer service required by Section
12 22-501 of this Act, which shall include, but not be limited to,
13 installation, disconnection, service and repair obligations;
14 appointment hours; employee ID requirements; customer service
15 telephone numbers and hours; procedures for billing, charges,
16 deposits, refunds, and credits; procedures for termination of
17 service; notice of deletion of programming service and changes
18 related to transmission of programming or changes or increases
19 in rates; use and availability of parental control or lock-out
20 devices; complaint procedures and procedures for bill dispute
21 resolution and a description of the rights and remedies
22 available to consumers if the holder does not materially meet
23 their customer service standards; and special services for
24 customers with visual, hearing, or mobility disabilities.

25 (c)(1) The applicant may designate information that it
26 submits in its application or subsequent reports as

1 confidential or proprietary, provided that the applicant
2 states the reasons the confidential designation is necessary.
3 The Commission shall provide adequate protection for such
4 information pursuant to Section 4-404 of this Act. If the
5 Commission, a local unit of government, or any other party
6 seeks public disclosure of information designated as
7 confidential, the Commission shall consider the confidential
8 designation in a proceeding under the Illinois Administrative
9 Procedure Act, and the burden of proof to demonstrate that the
10 designated information is confidential shall be upon the
11 applicant. Designated information shall remain confidential
12 pending the Commission's determination of whether the
13 information is entitled to confidential treatment. Information
14 designated as confidential shall be provided to local units of
15 government for purposes of assessing compliance with this
16 Article as permitted under a Protective Order issued by the
17 Commission pursuant to the Commission's rules and to the
18 Attorney General pursuant to Section 6.5 of the Attorney
19 General Act (15 ILCS 205/6.5). Information designated as
20 confidential under this Section or determined to be
21 confidential upon Commission review shall only be disclosed
22 pursuant to a valid and enforceable subpoena or court order or
23 as required by the Freedom of Information Act. Nothing herein
24 shall delay the application approval timeframes set forth in
25 this Article.

26 (2) Information regarding the location of video services

1 that have been or are being offered to the public and aggregate
2 information included in the reports required by this Article
3 shall not be designated or treated as confidential.

4 (d)(1) The Commission shall post all applications it
5 receives under this Article on its web site within 5 business
6 days.

7 (2) The Commission shall notify an applicant for a cable
8 service or video service authorization whether the applicant's
9 application and affidavit are complete on or before the 15th
10 business day after the applicant submits the application. If
11 the application and affidavit are not complete, the Commission
12 shall state in its notice all of the reasons the application or
13 affidavit are incomplete, and the applicant shall resubmit a
14 complete application. The Commission shall have 30 days after
15 submission by the applicant of a complete application and
16 affidavit to issue the service authorization. If the Commission
17 does not notify the applicant regarding the completeness of the
18 application and affidavit or issue the service authorization
19 within the time periods required under this subsection, the
20 application and affidavit shall be considered complete and the
21 service authorization issued upon the expiration of the 30th
22 day.

23 (e) Any authorization issued by the Commission will expire
24 on December 31, 2015 and shall contain or include all of the
25 following:

26 (1) A grant of authority, including an authorization

1 issued prior to this amendatory Act of the 98th General
2 Assembly, to provide cable service or video service in the
3 service area footprint as requested in the application,
4 subject to the provisions of this Article in existence on
5 the date the grant of authority was issued, and any
6 modifications to this Article enacted at any time prior to
7 the date in Section 21-1601 of this Act, and to the laws of
8 the State and the ordinances, rules, and regulations of the
9 local units of government.

10 (2) A grant of authority to use, occupy, and construct
11 facilities in the public rights-of-way for the delivery of
12 cable service or video service in the service area
13 footprint, subject to the laws, ordinances, rules, or
14 regulations of this State and local units of governments.

15 (3) A statement that the grant of authority is subject
16 to lawful operation of the cable service or video service
17 by the applicant, its affiliated entities, or its
18 successors-in-interest.

19 (4) The Commission shall notify a local unit of
20 government within 3 business days of the grant of any
21 authorization within a service area footprint if that
22 authorization includes any part of the local unit of
23 government's jurisdictional boundaries and state whether
24 the holder will be providing video service or cable service
25 under the authorization.

26 (f) The authorization issued pursuant to this Section by

1 the Commission may be transferred to any successor-in-interest
2 to the applicant to which it is initially granted without
3 further Commission action if the successor-in-interest (i)
4 submits an application and the information required by
5 subsection (b) of this Section for the successor-in-interest
6 and (ii) is not in violation of this Article or of any federal,
7 State, or local law, ordinance, rule, or regulation. A
8 successor-in-interest shall file its application and notice of
9 transfer with the Commission and the relevant local units of
10 government no less than 15 business days prior to the
11 completion of the transfer. The Commission is not required or
12 authorized to act upon the notice of transfer; however, the
13 transfer is not effective until the Commission approves the
14 successor-in-interest's application. A local unit of
15 government or the Attorney General may seek to bar a transfer
16 of ownership by filing suit in a court of competent
17 jurisdiction predicated on the existence of a material and
18 continuing breach of this Article by the holder, a pattern of
19 noncompliance with customer service standards by the potential
20 successor-in-interest, or the insolvency of the potential
21 successor-in-interest. If a transfer is made when there are
22 violations of this Article or of any federal, State, or local
23 law, ordinance, rule, or regulation, the successor-in-interest
24 shall be subject to 3 times the penalties provided for in this
25 Article.

26 (g) The authorization issued pursuant to Section 21-401 of

1 this Article by the Commission may be terminated, or its cable
2 service or video service area footprint may be modified, by the
3 cable service provider or video service provider by submitting
4 notice to the Commission and to the relevant local unit of
5 government containing a description of the change on the same
6 terms as the initial description pursuant to item (4) of
7 subsection (b) of this Section. The Commission is not required
8 or authorized to act upon that notice. It shall be a violation
9 of this Article for a holder to discriminate against potential
10 residential subscribers because of the race or income of the
11 residents in the local area in which the group resides by
12 terminating or modifying its cable service or video service
13 area footprint. It shall be a violation of this Article for a
14 holder to terminate or modify its cable service or video
15 service area footprint if it leaves an area with no cable
16 service or video service from any provider.

17 (h) The Commission's authority to administer this Article
18 is limited to the powers and duties explicitly provided under
19 this Article. Its authority under this Article does not include
20 or limit the powers and duties that the Commission has under
21 the other Articles of this Act, the Illinois Administrative
22 Procedure Act, or any other law or regulation to conduct
23 proceedings, other than as provided in subsection (c), or has
24 to promulgate rules or regulations. The Commission shall not
25 have the authority to limit or expand the obligations and
26 requirements provided in this Section or to regulate or control

1 a person or entity to the extent that person or entity is
2 providing cable service or video service, except as provided in
3 this Article.

4 (Source: P.A. 98-45, eff. 6-28-13; revised 11-12-13.)

5 Section 370. The Illinois Gas Pipeline Safety Act is
6 amended by changing Section 2 as follows:

7 (220 ILCS 20/2) (from Ch. 111 2/3, par. 552)

8 Sec. 2. As used in this Act, unless the context, otherwise
9 requires, the terms specified in the Sections following this
10 Section and preceding Section 3 ~~Sections 2.01 through 2.07~~ have
11 the meanings ascribed to them in those Sections.

12 (Source: P.A. 76-1588; revised 11-14-13.)

13 Section 375. The Child Care Act of 1969 is amended by
14 changing Section 2 as follows:

15 (225 ILCS 10/2) (from Ch. 23, par. 2212)

16 Sec. 2. Terms used in this Act, unless the context
17 otherwise requires, have the meanings ascribed to them in the
18 Sections following this Section and preceding Section 3
19 ~~Sections 2.01 through 2.27.~~

20 (Source: P.A. 94-586, eff. 8-15-05; revised 11-14-13.)

21 Section 380. The Clinical Social Work and Social Work

1 Practice Act is amended by changing Section 19 as follows:

2 (225 ILCS 20/19) (from Ch. 111, par. 6369)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 19. Grounds for disciplinary action.

5 (1) The Department may refuse to issue, refuse to renew,
6 suspend, or revoke any license, or may place on probation,
7 censure, reprimand, or take other disciplinary or
8 non-disciplinary action deemed appropriate by the Department,
9 including the imposition of fines not to exceed \$10,000 for
10 each violation, with regard to any license issued under the
11 provisions of this Act for any one or a combination of the
12 following reasons:

13 (a) material misstatements of fact in furnishing
14 information to the Department or to any other State agency
15 or in furnishing information to any insurance company with
16 respect to a claim on behalf of a licensee or a patient;

17 (b) violations or negligent or intentional disregard
18 of this Act, or any of the rules promulgated hereunder;

19 (c) conviction of or entry of a plea of guilty or nolo
20 contendere to any crime that is a felony under the laws of
21 the United States or any state or territory thereof or that
22 is a misdemeanor, of which an essential element is
23 dishonesty, or any crime that is directly related to the
24 practice of the clinical social work or social work
25 professions;

1 (d) making any misrepresentation for the purpose of
2 obtaining licenses, or violating any provision of this Act
3 or any of the rules promulgated hereunder;

4 (e) professional incompetence;

5 (f) malpractice;

6 (g) aiding or assisting another person in violating any
7 provision of ~~or~~ this Act or any rules;

8 (h) failing to provide information within 30 days in
9 response to a written request made by the Department;

10 (i) engaging in dishonorable, unethical or
11 unprofessional conduct of a character likely to deceive,
12 defraud or harm the public as defined by the rules of the
13 Department, or violating the rules of professional conduct
14 adopted by the Board and published by the Department;

15 (j) habitual or excessive use or addiction to alcohol,
16 narcotics, stimulants, or any other chemical agent or drug
17 that results in a clinical social worker's or social
18 worker's inability to practice with reasonable judgment,
19 skill, or safety;

20 (k) discipline by another jurisdiction, if at least one
21 of the grounds for the discipline is the same or
22 substantially equivalent to those set forth in this
23 Section;

24 (l) directly or indirectly giving to or receiving from
25 any person, firm, corporation, partnership, or association
26 any fee, commission, rebate or other form of compensation

1 for any professional service not actually rendered.
2 Nothing in this paragraph (l) affects any bona fide
3 independent contractor or employment arrangements among
4 health care professionals, health facilities, health care
5 providers, or other entities, except as otherwise
6 prohibited by law. Any employment arrangements may include
7 provisions for compensation, health insurance, pension, or
8 other employment benefits for the provision of services
9 within the scope of the licensee's practice under this Act.
10 Nothing in this paragraph (l) shall be construed to require
11 an employment arrangement to receive professional fees for
12 services rendered;

13 (m) a finding by the Board that the licensee, after
14 having the license placed on probationary status, has
15 violated the terms of probation;

16 (n) abandonment, without cause, of a client;

17 (o) wilfully filing false reports relating to a
18 licensee's practice, including but not limited to false
19 records filed with Federal or State agencies or
20 departments;

21 (p) wilfully failing to report an instance of suspected
22 child abuse or neglect as required by the Abused and
23 Neglected Child Reporting Act;

24 (q) being named as a perpetrator in an indicated report
25 by the Department of Children and Family Services under the
26 Abused and Neglected Child Reporting Act, and upon proof by

1 clear and convincing evidence that the licensee has caused
2 a child to be or failed to take reasonable steps to prevent
3 a child from being an abused child or neglected child as
4 defined in the Abused and Neglected Child Reporting Act;

5 (r) physical illness, mental illness, or any other
6 impairment or disability, including, but not limited to,
7 deterioration through the aging process, or loss of motor
8 skills that results in the inability to practice the
9 profession with reasonable judgment, skill or safety;

10 (s) solicitation of professional services by using
11 false or misleading advertising; or

12 (t) violation of the Health Care Worker Self-Referral
13 Act.

14 (2) (Blank).

15 (3) The determination by a court that a licensee is subject
16 to involuntary admission or judicial admission as provided in
17 the Mental Health and Developmental Disabilities Code, will
18 result in an automatic suspension of his license. Such
19 suspension will end upon a finding by a court that the licensee
20 is no longer subject to involuntary admission or judicial
21 admission and issues an order so finding and discharging the
22 patient, and upon the recommendation of the Board to the
23 Secretary that the licensee be allowed to resume professional
24 practice.

25 (4) The Department may refuse to issue or renew or may
26 suspend the license of a person who (i) fails to file a return,

1 pay the tax, penalty, or interest shown in a filed return, or
2 pay any final assessment of tax, penalty, or interest, as
3 required by any tax Act administered by the Department of
4 Revenue, until the requirements of the tax Act are satisfied or
5 (ii) has failed to pay any court-ordered child support as
6 determined by a court order or by referral from the Department
7 of Healthcare and Family Services.

8 (5) In enforcing this Section, the Board upon a showing of
9 a possible violation may compel a person licensed to practice
10 under this Act, or who has applied for licensure or
11 certification pursuant to this Act, to submit to a mental or
12 physical examination, or both, as required by and at the
13 expense of the Department. The examining physicians shall be
14 those specifically designated by the Board. The Board or the
15 Department may order the examining physician to present
16 testimony concerning this mental or physical examination of the
17 licensee or applicant. No information shall be excluded by
18 reason of any common law or statutory privilege relating to
19 communications between the licensee or applicant and the
20 examining physician. The person to be examined may have, at his
21 or her own expense, another physician of his or her choice
22 present during all aspects of the examination. Failure of any
23 person to submit to a mental or physical examination, when
24 directed, shall be grounds for suspension of a license until
25 the person submits to the examination if the Board finds, after
26 notice and hearing, that the refusal to submit to the

1 examination was without reasonable cause.

2 If the Board finds a person unable to practice because of
3 the reasons set forth in this Section, the Board may require
4 that person to submit to care, counseling, or treatment by
5 physicians approved or designated by the Board, as a condition,
6 term, or restriction for continued, reinstated, or renewed
7 licensure to practice; or, in lieu of care, counseling or
8 treatment, the Board may recommend to the Department to file a
9 complaint to immediately suspend, revoke or otherwise
10 discipline the license of the person. Any person whose license
11 was granted, continued, reinstated, renewed, disciplined or
12 supervised subject to such terms, conditions or restrictions,
13 and who fails to comply with such terms, conditions, or
14 restrictions, shall be referred to the Secretary for a
15 determination as to whether the person shall have his or her
16 license suspended immediately, pending a hearing by the Board.

17 In instances in which the Secretary immediately suspends a
18 person's license under this Section, a hearing on that person's
19 license must be convened by the Board within 30 days after the
20 suspension and completed without appreciable delay. The Board
21 shall have the authority to review the subject person's record
22 of treatment and counseling regarding the impairment, to the
23 extent permitted by applicable federal statutes and
24 regulations safeguarding the confidentiality of medical
25 records.

26 A person licensed under this Act and affected under this

1 Section shall be afforded an opportunity to demonstrate to the
2 Board that he or she can resume practice in compliance with
3 acceptable and prevailing standards under the provisions of his
4 or her license.

5 (Source: P.A. 95-687, eff. 10-23-07; 96-1482, eff. 11-29-10;
6 revised 11-14-13.)

7 Section 385. The Illinois Dental Practice Act is amended by
8 changing Section 17 as follows:

9 (225 ILCS 25/17) (from Ch. 111, par. 2317)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 17. Acts Constituting the Practice of Dentistry. A
12 person practices dentistry, within the meaning of this Act:

13 (1) Who represents himself or herself as being able to
14 diagnose or diagnoses, treats, prescribes, or operates for
15 any disease, pain, deformity, deficiency, injury, or
16 physical condition of the human tooth, teeth, alveolar
17 process, gums or jaw; or

18 (2) Who is a manager, proprietor, operator or conductor
19 of a business where dental operations are performed; or

20 (3) Who performs dental operations of any kind; or

21 (4) Who uses an X-Ray machine or X-Ray films for dental
22 diagnostic purposes; or

23 (5) Who extracts a human tooth or teeth, or corrects or
24 attempts to correct malpositions of the human teeth or

1 jaws; or

2 (6) Who offers or undertakes, by any means or method,
3 to diagnose, treat or remove stains, calculus, and bonding
4 materials from human teeth or jaws; or

5 (7) Who uses or administers local or general
6 anesthetics in the treatment of dental or oral diseases or
7 in any preparation incident to a dental operation of any
8 kind or character; or

9 (8) Who takes impressions of the human tooth, teeth, or
10 jaws or performs any phase of any operation incident to the
11 replacement of a part of a tooth, a tooth, teeth or
12 associated tissues by means of a filling, crown, a bridge,
13 a denture or other appliance; or

14 (9) Who offers to furnish, supply, construct,
15 reproduce or repair, or who furnishes, supplies,
16 constructs, reproduces or repairs, prosthetic dentures,
17 bridges or other substitutes for natural teeth, to the user
18 or prospective user thereof; or

19 (10) Who instructs students on clinical matters or
20 performs any clinical operation included in the curricula
21 of recognized dental schools and colleges; or

22 (11) Who takes impressions of human teeth or places his
23 or her hands in the mouth of any person for the purpose of
24 applying teeth whitening materials, or who takes
25 impressions of human teeth or places his or her hands in
26 the mouth of any person for the purpose of assisting in the

1 application of teeth whitening materials. A person does not
2 practice dentistry when he or she discloses to the consumer
3 that he or she is not licensed as a dentist under this Act
4 and (i) discusses the use of teeth whitening materials with
5 a consumer purchasing these materials; (ii) provides
6 instruction on the use of teeth whitening materials with a
7 consumer purchasing these materials; or (iii) provides
8 appropriate equipment on-site to the consumer for the
9 consumer to self-apply teeth whitening materials.

10 The fact that any person engages in or performs, or offers
11 to engage in or perform, any of the practices, acts, or
12 operations set forth in this Section, shall be prima facie
13 evidence that such person is engaged in the practice of
14 dentistry.

15 The following practices, acts, and operations, however,
16 are exempt from the operation of this Act:

17 (a) The rendering of dental relief in emergency cases
18 in the practice of his or her profession by a physician or
19 surgeon, licensed as such under the laws of this State,
20 unless he or she undertakes to reproduce or reproduces lost
21 parts of the human teeth in the mouth or to restore or
22 replace lost or missing teeth in the mouth; or

23 (b) The practice of dentistry in the discharge of their
24 official duties by dentists in any branch of the Armed
25 Services of the United States, the United States Public
26 Health Service, or the United States Veterans

1 Administration; or

2 (c) The practice of dentistry by students in their
3 course of study in dental schools or colleges approved by
4 the Department, when acting under the direction and
5 supervision of dentists acting as instructors; or

6 (d) The practice of dentistry by clinical instructors
7 in the course of their teaching duties in dental schools or
8 colleges approved by the Department:

9 (i) when acting under the direction and
10 supervision of dentists, provided that such clinical
11 instructors have instructed continuously in this State
12 since January 1, 1986; or

13 (ii) when holding the rank of full professor at
14 such approved dental school or college and possessing a
15 current valid license or authorization to practice
16 dentistry in another country; or

17 (e) The practice of dentistry by licensed dentists of
18 other states or countries at meetings of the Illinois State
19 Dental Society or component parts thereof, alumni meetings
20 of dental colleges, or any other like dental organizations,
21 while appearing as clinicians; or

22 (f) The use of X-Ray machines for exposing X-Ray films
23 of dental or oral tissues by dental hygienists or dental
24 assistants; or

25 (g) The performance of any dental service by a dental
26 assistant, if such service is performed under the

1 supervision and full responsibility of a dentist.

2 For purposes of this paragraph (g), "dental service" is
3 defined to mean any intraoral procedure or act which shall
4 be prescribed by rule or regulation of the Department.
5 Dental service, however, shall not include:

6 (1) Any and all diagnosis of or prescription for
7 treatment of disease, pain, deformity, deficiency,
8 injury or physical condition of the human teeth or
9 jaws, or adjacent structures.

10 (2) Removal of, or restoration of, or addition to
11 the hard or soft tissues of the oral cavity, except for
12 the placing, carving, and finishing of amalgam
13 restorations by dental assistants who have had
14 additional formal education and certification as
15 determined by the Department. A dentist utilizing
16 dental assistants shall not supervise more than 4
17 dental assistants at any one time for placing, carving,
18 and finishing of amalgam restorations.

19 (3) Any and all correction of malformation of teeth
20 or of the jaws.

21 (4) Administration of anesthetics, except for
22 monitoring of nitrous oxide, conscious sedation, deep
23 sedation, and general anesthetic as provided in
24 Section 8.1 of this Act, that may be performed only
25 after successful completion of a training program
26 approved by the Department. A dentist utilizing dental

1 assistants shall not supervise more than 4 dental
2 assistants at any one time for the monitoring of
3 nitrous oxide.

4 (5) Removal of calculus from human teeth.

5 (6) Taking of impressions for the fabrication of
6 prosthetic appliances, crowns, bridges, inlays,
7 onlays, or other restorative or replacement dentistry.

8 (7) The operative procedure of dental hygiene
9 consisting of oral prophylactic procedures, except for
10 coronal polishing and pit and fissure sealants, which
11 may be performed by a dental assistant who has
12 successfully completed a training program approved by
13 the Department. Dental assistants may perform coronal
14 polishing under the following circumstances: (i) the
15 coronal polishing shall be limited to polishing the
16 clinical crown of the tooth and existing restorations,
17 supragingivally; (ii) the dental assistant performing
18 the coronal polishing shall be limited to the use of
19 rotary instruments using a rubber cup or brush
20 polishing method (air polishing is not permitted); and
21 (iii) the supervising dentist shall not supervise more
22 than 4 dental assistants at any one time for the task
23 of coronal polishing or pit and fissure sealants.

24 The limitations on the number of dental assistants a
25 dentist may supervise contained in items (2), (4), and (7)
26 of this paragraph (g) ~~Section~~ mean a limit of 4 total

1 dental assistants or dental hygienists doing expanded
2 functions covered by these Sections being supervised by one
3 dentist.

4 (h) The practice of dentistry by an individual who:

5 (i) has applied in writing to the Department, in
6 form and substance satisfactory to the Department, for
7 a general dental license and has complied with all
8 provisions of Section 9 of this Act, except for the
9 passage of the examination specified in subsection
10 (e) of Section 9 of this Act; or

11 (ii) has applied in writing to the Department, in
12 form and substance satisfactory to the Department, for
13 a temporary dental license and has complied with all
14 provisions of subsection (c) of Section 11 of this
15 Act; and

16 (iii) has been accepted or appointed for specialty
17 or residency training by a hospital situated in this
18 State; or

19 (iv) has been accepted or appointed for specialty
20 training in an approved dental program situated in this
21 State; or

22 (v) has been accepted or appointed for specialty
23 training in a dental public health agency situated in
24 this State.

25 The applicant shall be permitted to practice dentistry
26 for a period of 3 months from the starting date of the

1 program, unless authorized in writing by the Department to
2 continue such practice for a period specified in writing by
3 the Department.

4 The applicant shall only be entitled to perform such
5 acts as may be prescribed by and incidental to his or her
6 program of residency or specialty training and shall not
7 otherwise engage in the practice of dentistry in this
8 State.

9 The authority to practice shall terminate immediately
10 upon:

- 11 (1) the decision of the Department that the
12 applicant has failed the examination; or
13 (2) denial of licensure by the Department; or
14 (3) withdrawal of the application.

15 (Source: P.A. 97-526, eff. 1-1-12; 97-886, eff. 8-2-12;
16 97-1013, eff. 8-17-12; 98-147, eff. 1-1-14; 98-463, eff.
17 8-16-13; revised 11-14-13.)

18 Section 390. The Dietitian Nutritionist Practice Act is
19 amended by changing Section 95 as follows:

20 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 95. Grounds for discipline.

23 (1) The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary or non-disciplinary action as the Department may
2 deem appropriate, including imposing fines not to exceed
3 \$10,000 for each violation, with regard to any license or
4 certificate for any one or combination of the following causes:

5 (a) Material misstatement in furnishing information to
6 the Department.

7 (b) Violations of this Act or of rules adopted under
8 this Act.

9 (c) Conviction by plea of guilty or nolo contendere,
10 finding of guilt, jury verdict, or entry of judgment or by
11 sentencing of any crime, including, but not limited to,
12 convictions, preceding sentences of supervision,
13 conditional discharge, or first offender probation, under
14 the laws of any jurisdiction of the United States (i) that
15 is a felony or (ii) that is a misdemeanor, an essential
16 element of which is dishonesty, or that is directly related
17 to the practice of the profession.

18 (d) Fraud or any misrepresentation in applying for or
19 procuring a license under this Act or in connection with
20 applying for renewal of a license under this Act.

21 (e) Professional incompetence or gross negligence.

22 (f) Malpractice.

23 (g) Aiding or assisting another person in violating any
24 provision of this Act or its rules.

25 (h) Failing to provide information within 60 days in
26 response to a written request made by the Department.

1 (i) Engaging in dishonorable, unethical or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public.

4 (j) Habitual or excessive use or abuse of drugs defined
5 in law as controlled substances, alcohol, or any other
6 substance that results in the inability to practice with
7 reasonable judgment, skill, or safety.

8 (k) Discipline by another state, the District of
9 Columbia, territory, country, or governmental agency if at
10 least one of the grounds for the discipline is the same or
11 substantially equivalent to those set forth in this Act.

12 (l) Charging for professional services not rendered,
13 including filing false statements for the collection of
14 fees for which services are not rendered. Nothing in this
15 paragraph (1) affects any bona fide independent contractor
16 or employment arrangements among health care
17 professionals, health facilities, health care providers,
18 or other entities, except as otherwise prohibited by law.
19 Any employment arrangements may include provisions for
20 compensation, health insurance, pension, or other
21 employment benefits for the provision of services within
22 the scope of the licensee's practice under this Act.
23 Nothing in this paragraph (1) shall be construed to require
24 an employment arrangement to receive professional fees for
25 services rendered.

26 (m) A finding by the Department that the licensee,

1 after having his or her license placed on probationary
2 status, has violated the terms of probation.

3 (n) Willfully making or filing false records or reports
4 in his or her practice, including, but not limited to,
5 false records filed with State agencies or departments.

6 (o) Allowing one's license under this Act to be used by
7 an unlicensed person in violation of this Act.

8 (p) Practicing under a false or, except as provided by
9 law, an assumed name.

10 (q) Gross and willful overcharging for professional
11 services.

12 (r) (Blank).

13 (s) Willfully failing to report an instance of
14 suspected child abuse or neglect as required by the Abused
15 and Neglected Child Reporting Act.

16 (t) Cheating on or attempting to subvert a licensing
17 examination administered under this Act.

18 (u) Mental illness or disability that results in the
19 inability to practice under this Act with reasonable
20 judgment, skill, or safety.

21 (v) Physical illness, including, but not limited to,
22 deterioration through the aging process or loss of motor
23 skill that results in a licensee's inability to practice
24 under this Act with reasonable judgment, skill, or safety.

25 (w) Advising an individual to discontinue, reduce,
26 increase, or otherwise alter the intake of a drug

1 prescribed by a physician licensed to practice medicine in
2 all its branches or by a prescriber as defined in Section
3 102 of the Illinois Controlled Substances ~~Substance~~ Act.

4 (2) The Department may refuse to issue or may suspend
5 without hearing, as provided for in the Code of Civil
6 Procedure, the license of any person who fails to file a
7 return, or pay the tax, penalty, or interest shown in a filed
8 return, or pay any final assessment of the tax, penalty, or
9 interest as required by any tax Act administered by the
10 Illinois Department of Revenue, until such time as the
11 requirements of any such tax Act are satisfied in accordance
12 with subsection (g) of Section 2105-15 of the Civil
13 Administrative Code of Illinois.

14 (3) The Department shall deny a license or renewal
15 authorized by this Act to a person who has defaulted on an
16 educational loan or scholarship provided or guaranteed by the
17 Illinois Student Assistance Commission or any governmental
18 agency of this State in accordance with item (5) of subsection
19 (a) of Section 2105-15 of the Civil Administrative Code of
20 Illinois.

21 (4) In cases where the Department of Healthcare and Family
22 Services has previously determined a licensee or a potential
23 licensee is more than 30 days delinquent in the payment of
24 child support and has subsequently certified the delinquency to
25 the Department, the Department may refuse to issue or renew or
26 may revoke or suspend that person's license or may take other

1 disciplinary action against that person based solely upon the
2 certification of delinquency made by the Department of
3 Healthcare and Family Services in accordance with item (5) of
4 subsection (a) of Section 2105-15 ~~1205-15~~ of the Civil
5 Administrative Code of Illinois.

6 (5) The determination by a circuit court that a licensee is
7 subject to involuntary admission or judicial admission, as
8 provided in the Mental Health and Developmental Disabilities
9 Code, operates as an automatic suspension. The suspension shall
10 end only upon a finding by a court that the patient is no
11 longer subject to involuntary admission or judicial admission
12 and the issuance of an order so finding and discharging the
13 patient.

14 (6) In enforcing this Act, the Department, upon a showing
15 of a possible violation, may compel an individual licensed to
16 practice under this Act, or who has applied for licensure under
17 this Act, to submit to a mental or physical examination, or
18 both, as required by and at the expense of the Department. The
19 Department may order the examining physician to present
20 testimony concerning the mental or physical examination of the
21 licensee or applicant. No information shall be excluded by
22 reason of any common law or statutory privilege relating to
23 communications between the licensee or applicant and the
24 examining physician. The examining physicians shall be
25 specifically designated by the Department. The individual to be
26 examined may have, at his or her own expense, another physician

1 of his or her choice present during all aspects of this
2 examination. The examination shall be performed by a physician
3 licensed to practice medicine in all its branches. Failure of
4 an individual to submit to a mental or physical examination,
5 when directed, shall result in an automatic suspension without
6 hearing.

7 A person holding a license under this Act or who has
8 applied for a license under this Act who, because of a physical
9 or mental illness or disability, including, but not limited to,
10 deterioration through the aging process or loss of motor skill,
11 is unable to practice the profession with reasonable judgment,
12 skill, or safety, may be required by the Department to submit
13 to care, counseling, or treatment by physicians approved or
14 designated by the Department as a condition, term, or
15 restriction for continued, reinstated, or renewed licensure to
16 practice. Submission to care, counseling, or treatment as
17 required by the Department shall not be considered discipline
18 of a license. If the licensee refuses to enter into a care,
19 counseling, or treatment agreement or fails to abide by the
20 terms of the agreement, then the Department may file a
21 complaint to revoke, suspend, or otherwise discipline the
22 license of the individual. The Secretary may order the license
23 suspended immediately, pending a hearing by the Department.
24 Fines shall not be assessed in disciplinary actions involving
25 physical or mental illness or impairment.

26 In instances in which the Secretary immediately suspends a

1 person's license under this Section, a hearing on that person's
2 license must be convened by the Department within 15 days after
3 the suspension and completed without appreciable delay. The
4 Department shall have the authority to review the subject
5 individual's record of treatment and counseling regarding the
6 impairment to the extent permitted by applicable federal
7 statutes and regulations safeguarding the confidentiality of
8 medical records.

9 An individual licensed under this Act and affected under
10 this Section shall be afforded an opportunity to demonstrate to
11 the Department that he or she can resume practice in compliance
12 with acceptable and prevailing standards under the provisions
13 of his or her license.

14 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;
15 revised 11-14-13.)

16 Section 395. The Funeral Directors and Embalmers Licensing
17 Code is amended by changing Sections 5-5, 10-5, and 15-75 as
18 follows:

19 (225 ILCS 41/5-5)

20 (Section scheduled to be repealed on January 1, 2023)

21 Sec. 5-5. License requirement. It is unlawful for any
22 person to practice, or to attempt to practice, funeral
23 directing without a license as a funeral director issued by the
24 Department.

1 No person shall practice funeral directing unless he or she
2 is ~~they are~~ employed by or contracted with a fixed place of
3 practice or establishment devoted to the care and preparation
4 for burial or for the transportation of deceased human bodies.

5 No person shall practice funeral directing independently
6 at the fixed place of practice or establishment of another
7 licensee unless that person's name is published and displayed
8 at all times in connection therewith.

9 (Source: P.A. 97-1130, eff. 8-28-12; revised 11-14-13.)

10 (225 ILCS 41/10-5)

11 (Section scheduled to be repealed on January 1, 2023)

12 Sec. 10-5. License requirement. It is unlawful for any
13 person to practice or attempt to practice funeral directing and
14 embalming without being licensed by the Department.

15 No person shall practice funeral directing and embalming
16 unless he or she is ~~they are~~ employed by or contracted with a
17 fixed place of practice or establishment devoted to the care
18 and preparation for burial or for the transportation of
19 deceased human bodies.

20 No person shall practice funeral directing and embalming
21 independently at the fixed place of practice or establishment
22 of another licensee unless his or her name shall be published
23 and displayed at all times in connection therewith.

24 No licensed intern shall independently practice funeral
25 directing and embalming; however, a licensed funeral director

1 and embalmer intern may under the immediate personal
2 supervision of a licensed funeral director and embalmer assist
3 a licensed funeral director and embalmer in the practice of
4 funeral directing and embalming.

5 No person shall practice as a funeral director and embalmer
6 intern unless he or she possesses a valid license in good
7 standing to do so in the State of Illinois.

8 (Source: P.A. 97-1130, eff. 8-28-12; revised 11-14-13.)

9 (225 ILCS 41/15-75)

10 (Section scheduled to be repealed on January 1, 2023)

11 Sec. 15-75. Violations; grounds for discipline; penalties.

12 (a) Each of the following acts is a Class A misdemeanor for
13 the first offense, and a Class 4 felony for each subsequent
14 offense. These penalties shall also apply to unlicensed owners
15 of funeral homes.

16 (1) Practicing the profession of funeral directing and
17 embalming or funeral directing, or attempting to practice
18 the profession of funeral directing and embalming or
19 funeral directing without a license as a funeral director
20 and embalmer or funeral director.

21 (2) Serving or attempting to serve as an intern under a
22 licensed funeral director and embalmer without a license as
23 a licensed funeral director and embalmer intern.

24 (3) Obtaining or attempting to obtain a license,
25 practice or business, or any other thing of value, by fraud

1 or misrepresentation.

2 (4) Permitting any person in one's employ, under one's
3 control or in or under one's service to serve as a funeral
4 director and embalmer, funeral director, or funeral
5 director and embalmer intern when the person does not have
6 the appropriate license.

7 (5) Failing to display a license as required by this
8 Code.

9 (6) Giving false information or making a false oath or
10 affidavit required by this Code.

11 (b) The Department may refuse to issue or renew, revoke,
12 suspend, place on probation or administrative supervision,
13 reprimand, or take other disciplinary or non-disciplinary
14 action as the Department may deem appropriate, including
15 imposing fines not to exceed \$10,000 for each violation, with
16 regard to any license under the Code for any one or combination
17 of the following:

18 (1) Fraud or any misrepresentation in applying for or
19 procuring a license under this Code or in connection with
20 applying for renewal of a license under this Code.

21 (2) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or by
23 sentencing of any crime, including, but not limited to,
24 convictions, preceding sentences of supervision,
25 conditional discharge, or first offender probation, under
26 the laws of any jurisdiction of the United States: (i) that

1 is a felony or (ii) that is a misdemeanor, an essential
2 element of which is dishonesty, or that is directly related
3 to the practice of the profession.

4 (3) Violation of the laws of this State relating to the
5 funeral, burial or disposition of deceased human bodies or
6 of the rules and regulations of the Department, or the
7 Department of Public Health.

8 (4) Directly or indirectly paying or causing to be paid
9 any sum of money or other valuable consideration for the
10 securing of business or for obtaining authority to dispose
11 of any deceased human body.

12 (5) Professional incompetence, gross negligence,
13 malpractice, or untrustworthiness in the practice of
14 funeral directing and embalming or funeral directing.

15 (6) (Blank).

16 (7) Engaging in, promoting, selling, or issuing burial
17 contracts, burial certificates, or burial insurance
18 policies in connection with the profession as a funeral
19 director and embalmer, funeral director, or funeral
20 director and embalmer intern in violation of any laws of
21 the State of Illinois.

22 (8) Refusing, without cause, to surrender the custody
23 of a deceased human body upon the proper request of the
24 person or persons lawfully entitled to the custody of the
25 body.

26 (9) Taking undue advantage of a client or clients as to

1 amount to the perpetration of fraud.

2 (10) Engaging in funeral directing and embalming or
3 funeral directing without a license.

4 (11) Encouraging, requesting, or suggesting by a
5 licensee or some person working on his behalf and with his
6 consent for compensation that a person utilize the services
7 of a certain funeral director and embalmer, funeral
8 director, or funeral establishment unless that information
9 has been expressly requested by the person. This does not
10 prohibit general advertising or pre-need solicitation.

11 (12) Making or causing to be made any false or
12 misleading statements about the laws concerning the
13 disposition of human remains, including, but not limited
14 to, the need to embalm, the need for a casket for cremation
15 or the need for an outer burial container.

16 (13) (Blank).

17 (14) Embalming or attempting to embalm a deceased human
18 body without express prior authorization of the person
19 responsible for making the funeral arrangements for the
20 body. This does not apply to cases where embalming is
21 directed by local authorities who have jurisdiction or when
22 embalming is required by State or local law. A licensee may
23 embalm without express prior authorization if a good faith
24 effort has been made to contact family members and has been
25 unsuccessful and the licensee has no reason to believe the
26 family opposes embalming.

1 (15) Making a false statement on a Certificate of Death
2 where the person making the statement knew or should have
3 known that the statement was false.

4 (16) Soliciting human bodies after death or while death
5 is imminent.

6 (17) Performing any act or practice that is a violation
7 of this Code, the rules for the administration of this
8 Code, or any federal, State or local laws, rules, or
9 regulations governing the practice of funeral directing or
10 embalming.

11 (18) Performing any act or practice that is a violation
12 of Section 2 of the Consumer Fraud and Deceptive Business
13 Practices Act.

14 (19) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud or harm the public.

17 (20) Taking possession of a dead human body without
18 having first obtained express permission from the person
19 holding the right to control the disposition in accordance
20 with Section 5 of the Disposition of Remains Act or a
21 public agency legally authorized to direct, control or
22 permit the removal of deceased human bodies.

23 (21) Advertising in a false or misleading manner or
24 advertising using the name of an unlicensed person in
25 connection with any service being rendered in the practice
26 of funeral directing or funeral directing and embalming.

1 The use of any name of an unlicensed or unregistered person
2 in an advertisement so as to imply that the person will
3 perform services is considered misleading advertising.
4 Nothing in this paragraph shall prevent including the name
5 of any owner, officer or corporate director of a funeral
6 home, who is not a licensee, in any advertisement used by a
7 funeral home with which the individual is affiliated, if
8 the advertisement specifies the individual's affiliation
9 with the funeral home.

10 (22) Charging for professional services not rendered,
11 including filing false statements for the collection of
12 fees for which services are not rendered.

13 (23) Failing to account for or remit any monies,
14 documents, or personal property that belongs to others that
15 comes into a licensee's possession.

16 (24) Treating any person differently to his detriment
17 because of race, color, creed, gender, religion, or
18 national origin.

19 (25) Knowingly making any false statements, oral or
20 otherwise, of a character likely to influence, persuade or
21 induce others in the course of performing professional
22 services or activities.

23 (26) Willfully making or filing false records or
24 reports in the practice of funeral directing and embalming,
25 including, but not limited to, false records filed with
26 State agencies or departments.

1 (27) Failing to acquire continuing education required
2 under this Code.

3 (28) (Blank).

4 (29) Aiding or assisting another person in violating
5 any provision of this Code or rules adopted pursuant to
6 this Code.

7 (30) Failing within 10 days, to provide information in
8 response to a written request made by the Department.

9 (31) Discipline by another state, District of
10 Columbia, territory, foreign nation, or governmental
11 agency, if at least one of the grounds for the discipline
12 is the same or substantially equivalent to those set forth
13 in this Section.

14 (32) (Blank).

15 (33) Mental illness or disability which results in the
16 inability to practice the profession with reasonable
17 judgment, skill, or safety.

18 (34) Gross, willful, or continued overcharging for
19 professional services, including filing false statements
20 for collection of fees for which services are not rendered.

21 (35) Physical illness, including, but not limited to,
22 deterioration through the aging process or loss of motor
23 skill which results in a licensee's inability to practice
24 under this Code with reasonable judgment, skill, or safety.

25 (36) Failing to comply with any of the following
26 required activities:

1 (A) When reasonably possible, a funeral director
2 licensee or funeral director and embalmer licensee or
3 anyone acting on his or her behalf shall obtain the
4 express authorization of the person or persons
5 responsible for making the funeral arrangements for a
6 deceased human body prior to removing a body from the
7 place of death or any place it may be or embalming or
8 attempting to embalm a deceased human body, unless
9 required by State or local law. This requirement is
10 waived whenever removal or embalming is directed by
11 local authorities who have jurisdiction. If the
12 responsibility for the handling of the remains
13 lawfully falls under the jurisdiction of a public
14 agency, then the regulations of the public agency shall
15 prevail.

16 (B) A licensee shall clearly mark the price of any
17 casket offered for sale or the price of any service
18 using the casket on or in the casket if the casket is
19 displayed at the funeral establishment. If the casket
20 is displayed at any other location, regardless of
21 whether the licensee is in control of that location,
22 the casket shall be clearly marked and the registrant
23 shall use books, catalogues, brochures, or other
24 printed display aids to show the price of each casket
25 or service.

26 (C) At the time funeral arrangements are made and

1 prior to rendering the funeral services, a licensee
2 shall furnish a written statement of services to be
3 retained by the person or persons making the funeral
4 arrangements, signed by both parties, that shall
5 contain: (i) the name, address and telephone number of
6 the funeral establishment and the date on which the
7 arrangements were made; (ii) the price of the service
8 selected and the services and merchandise included for
9 that price; (iii) a clear disclosure that the person or
10 persons making the arrangement may decline and receive
11 credit for any service or merchandise not desired and
12 not required by law or the funeral director or the
13 funeral director and embalmer; (iv) the supplemental
14 items of service and merchandise requested and the
15 price of each item; (v) the terms or method of payment
16 agreed upon; and (vi) a statement as to any monetary
17 advances made by the registrant on behalf of the
18 family. The licensee shall maintain a copy of the
19 written statement of services in its permanent
20 records. All written statements of services are
21 subject to inspection by the Department.

22 (D) In all instances where the place of final
23 disposition of a deceased human body or the cremated
24 remains of a deceased human body is a cemetery, the
25 licensed funeral director and embalmer, or licensed
26 funeral director, who has been engaged to provide

1 funeral or embalming services shall remain at the
2 cemetery and personally witness the placement of the
3 human remains in their designated grave or the sealing
4 of the above ground depository, crypt, or urn. The
5 licensed funeral director or licensed funeral director
6 and embalmer may designate a licensed funeral director
7 and embalmer intern or representative of the funeral
8 home to be his or her witness to the placement of the
9 remains. If the cemetery authority, cemetery manager,
10 or any other agent of the cemetery takes any action
11 that prevents compliance with this paragraph (D), then
12 the funeral director and embalmer or funeral director
13 shall provide written notice to the Department within 5
14 business days after failing to comply. If the
15 Department receives this notice, then the Department
16 shall not take any disciplinary action against the
17 funeral director and embalmer or funeral director for a
18 violation of this paragraph (D) unless the Department
19 finds that the cemetery authority, manager, or any
20 other agent of the cemetery did not prevent the funeral
21 director and embalmer or funeral director from
22 complying with this paragraph (D) as claimed in the
23 written notice.

24 (E) A funeral director or funeral director and
25 embalmer shall fully complete the portion of the
26 Certificate of Death under the responsibility of the

1 funeral director or funeral director and embalmer and
2 provide all required information. In the event that any
3 reported information subsequently changes or proves
4 incorrect, a funeral director or funeral director and
5 embalmer shall immediately upon learning the correct
6 information correct the Certificate of Death.

7 (37) A finding by the Department that the license,
8 after having his or her license placed on probationary
9 status or subjected to conditions or restrictions,
10 violated the terms of the probation or failed to comply
11 with such terms or conditions.

12 (38) (Blank).

13 (39) Being named as a perpetrator in an indicated
14 report by the Department of Children and Family Services
15 pursuant to the Abused and Neglected Child Reporting Act
16 and, upon proof by clear and convincing evidence, being
17 found to have caused a child to be an abused child or
18 neglected child as defined in the Abused and Neglected
19 Child Reporting Act.

20 (40) Habitual or excessive use or abuse of drugs
21 defined in law as controlled substances, alcohol, or any
22 other substance which results in the inability to practice
23 with reasonable judgment, skill, or safety.

24 (41) Practicing under a false or, except as provided by
25 law, an assumed name.

26 (42) Cheating on or attempting to subvert the licensing

1 examination administered under this Code.

2 (c) The Department may refuse to issue or renew or may
3 suspend without a hearing, as provided for in the Department of
4 Professional Regulation Law of the Civil Administrative Code of
5 Illinois, the license of any person who fails to file a return,
6 to pay the tax, penalty or interest shown in a filed return, or
7 to pay any final assessment of tax, penalty or interest as
8 required by any tax Act administered by the Illinois Department
9 of Revenue, until the time as the requirements of the tax Act
10 are satisfied in accordance with subsection (g) of Section
11 2105-15 of the Department of Professional Regulation Law of the
12 Civil Administrative Code of Illinois.

13 (d) No action may be taken under this Code against a person
14 licensed under this Code unless the action is commenced within
15 5 years after the occurrence of the alleged violations. A
16 continuing violation shall be deemed to have occurred on the
17 date when the circumstances last existed that give rise to the
18 alleged violation.

19 (e) Nothing in this Section shall be construed or enforced
20 to give a funeral director and embalmer, or his or her
21 designees, authority over the operation of a cemetery or over
22 cemetery employees. Nothing in this Section shall be construed
23 or enforced to impose duties or penalties on cemeteries with
24 respect to the timing of the placement of human remains in
25 their designated grave or the sealing of the above ground
26 depository, crypt, or urn due to patron safety, the allocation

1 of cemetery staffing, liability insurance, a collective
2 bargaining agreement, or other such reasons.

3 (f) All fines imposed under this Section shall be paid 60
4 days after the effective date of the order imposing the fine.

5 (g) The Department shall deny a license or renewal
6 authorized by this Code to a person who has defaulted on an
7 educational loan or scholarship provided or guaranteed by the
8 Illinois Student Assistance Commission or any governmental
9 agency of this State in accordance with item (5) of subsection
10 (a) ~~(g)~~ of Section 2105-15 of the Department of Professional
11 Regulation Law of the Civil Administrative Code of Illinois.

12 (h) In cases where the Department of Healthcare and Family
13 Services has previously determined a licensee or a potential
14 licensee is more than 30 days delinquent in the payment of
15 child support and has subsequently certified the delinquency to
16 the Department, the Department may refuse to issue or renew or
17 may revoke or suspend that person's license or may take other
18 disciplinary action against that person based solely upon the
19 certification of delinquency made by the Department of
20 Healthcare and Family Services in accordance with item (5) of
21 subsection (a) ~~(g)~~ of Section 2105-15 ~~1205-15~~ of the Department
22 of Professional Regulation Law of the Civil Administrative Code
23 of Illinois.

24 (i) A person not licensed under this Code who is an owner
25 of a funeral establishment or funeral business shall not aid,
26 abet, assist, procure, advise, employ, or contract with any

1 unlicensed person to offer funeral services or aid, abet,
2 assist, or direct any licensed person contrary to or in
3 violation of any rules or provisions of this Code. A person
4 violating this subsection shall be treated as a licensee for
5 the purposes of disciplinary action under this Section and
6 shall be subject to cease and desist orders as provided in this
7 Code, the imposition of a fine up to \$10,000 for each violation
8 and any other penalty provided by law.

9 (j) The determination by a circuit court that a licensee is
10 subject to involuntary admission or judicial admission as
11 provided in the Mental Health and Developmental Disabilities
12 Code, as amended, operates as an automatic suspension. The
13 suspension may end only upon a finding by a court that the
14 licensee is no longer subject to the involuntary admission or
15 judicial admission and issues an order so finding and
16 discharging the licensee, and upon the recommendation of the
17 Board to the Secretary that the licensee be allowed to resume
18 his or her practice.

19 (k) In enforcing this Code, the Department, upon a showing
20 of a possible violation, may compel an individual licensed to
21 practice under this Code, or who has applied for licensure
22 under this Code, to submit to a mental or physical examination,
23 or both, as required by and at the expense of the Department.
24 The Department may order the examining physician to present
25 testimony concerning the mental or physical examination of the
26 licensee or applicant. No information shall be excluded by

1 reason of any common law or statutory privilege relating to
2 communications between the licensee or applicant and the
3 examining physician. The examining physician shall be
4 specifically designated by the Department. The individual to be
5 examined may have, at his or her own expense, another physician
6 of his or her choice present during all aspects of this
7 examination. The examination shall be performed by a physician
8 licensed to practice medicine in all its branches. Failure of
9 an individual to submit to a mental or physical examination,
10 when directed, shall result in an automatic suspension without
11 hearing.

12 A person holding a license under this Code or who has
13 applied for a license under this Code who, because of a
14 physical or mental illness or disability, including, but not
15 limited to, deterioration through the aging process or loss of
16 motor skill, is unable to practice the profession with
17 reasonable judgment, skill, or safety, may be required by the
18 Department to submit to care, counseling, or treatment by
19 physicians approved or designated by the Department as a
20 condition, term, or restriction for continued, reinstated, or
21 renewed licensure to practice. Submission to care, counseling,
22 or treatment as required by the Department shall not be
23 considered discipline of a license. If the licensee refuses to
24 enter into a care, counseling, or treatment agreement or fails
25 to abide by the terms of the agreement, the Department may file
26 a complaint to revoke, suspend, or otherwise discipline the

1 license of the individual. The Secretary may order the license
2 suspended immediately, pending a hearing by the Department.
3 Fines shall not be assessed in disciplinary actions involving
4 physical or mental illness or impairment.

5 In instances in which the Secretary immediately suspends a
6 person's license under this Section, a hearing on that person's
7 license must be convened by the Department within 15 days after
8 the suspension and completed without appreciable delay. The
9 Department shall have the authority to review the subject
10 individual's record of treatment and counseling regarding the
11 impairment to the extent permitted by applicable federal
12 statutes and regulations safeguarding the confidentiality of
13 medical records.

14 An individual licensed under this Code and affected under
15 this Section shall be afforded an opportunity to demonstrate to
16 the Department that he or she can resume practice in compliance
17 with acceptable and prevailing standards under the provisions
18 of his or her license.

19 (Source: P.A. 96-863, eff. 3-1-10; 96-1463, eff. 1-1-11;
20 97-1130, eff. 8-28-12; revised 11-14-13.)

21 Section 400. The Health Care Worker Background Check Act is
22 amended by changing Section 70 as follows:

23 (225 ILCS 46/70)

24 Sec. 70. Centers for Medicare and Medicaid Services (CMMS)

1 grant.

2 (a) In this Section:

3 "Centers for Medicare and Medicaid Services (CMMS) grant"
4 means the grant awarded to and distributed by the Department of
5 Public Health to enhance the conduct of criminal history
6 records checks of certain health care employees. The CMMS grant
7 is authorized by Section 307 of the federal Medicare
8 Prescription Drug, Improvement, and Modernization Act of 2003,
9 which establishes the framework for a program to evaluate
10 national and state background checks on prospective employees
11 with direct access to patients of long-term care facilities or
12 providers.

13 "Selected health care employer" means any of the following
14 selected to participate in the CMMS grant:

15 (1) a community living facility as defined in the
16 Community Living Facility Act;

17 (2) a long-term care facility as defined in the Nursing
18 Home Care Act;

19 (3) a home health agency as defined in the Home Health,
20 Home Services, and Home Nursing Agency Licensing Act;

21 (4) a full hospice as defined in the Hospice Licensing
22 Act;

23 (5) an establishment licensed under the Assisted
24 Living and Shared Housing Act;

25 (6) a supportive living facility as defined in the
26 Illinois Public Aid Code;

1 (7) a day training program certified by the Department
2 of Human Services;

3 (8) a community integrated living arrangement operated
4 by a community mental health and developmental service
5 agency as defined in the Community-Integrated ~~Community~~
6 ~~Integrated~~ Living Arrangements Licensing and Certification
7 Act; or

8 (9) a long-term care hospital or hospital with swing
9 beds.

10 (b) Selected health care employers shall be phased in to
11 participate in the CMMS grant between January 1, 2006 and
12 January 1, 2007, as prescribed by the Department of Public
13 Health by rule.

14 (c) With regards to individuals hired on or after January
15 1, 2006 who have direct access to residents, patients, or
16 clients of the selected health care employer, selected health
17 care employers must comply with Section 25 of this Act.

18 "Individuals who have direct access" includes, but is not
19 limited to, (i) direct care workers as described in subsection
20 (a) of Section 25; (ii) individuals licensed by the Department
21 of Financial and Professional Regulation, such as nurses,
22 social workers, physical therapists, occupational therapists,
23 and pharmacists; (iii) individuals who provide services on
24 site, through contract; and (iv) non-direct care workers, such
25 as those who work in environmental services, food service, and
26 administration.

1 "Individuals who have direct access" does not include
2 physicians or volunteers.

3 The Department of Public Health may further define
4 "individuals who have direct access" by rule.

5 (d) Each applicant seeking employment in a position
6 described in subsection (c) of this Section with a selected
7 health care employer shall, as a condition of employment, have
8 his or her fingerprints submitted to the Department of State
9 Police in an electronic format that complies with the form and
10 manner for requesting and furnishing criminal history record
11 information by the Department of State Police and the Federal
12 Bureau of Investigation criminal history record databases now
13 and hereafter filed. The Department of State Police shall
14 forward the fingerprints to the Federal Bureau of Investigation
15 for a national criminal history records check. The Department
16 of State Police shall charge a fee for conducting the criminal
17 history records check, which shall not exceed the actual cost
18 of the records check and shall be deposited into the State
19 Police Services Fund. The Department of State Police shall
20 furnish, pursuant to positive identification, records of
21 Illinois convictions to the Department of Public Health.

22 (e) A selected health care employer who makes a conditional
23 offer of employment to an applicant shall:

24 (1) ensure that the applicant has complied with the
25 fingerprinting requirements of this Section;

26 (2) complete documentation relating to any criminal

1 history record, as revealed by the applicant, as prescribed
2 by rule by the Department of Public Health;

3 (3) complete documentation of the applicant's personal
4 identifiers as prescribed by rule by the Department of
5 Public Health; and

6 (4) provide supervision, as prescribed by rule by the
7 licensing agency, if the applicant is hired and allowed to
8 work prior to the results of the criminal history records
9 check being obtained.

10 (f) A selected health care employer having actual knowledge
11 from a source that an individual with direct access to a
12 resident, patient, or client has been convicted of committing
13 or attempting to commit one of the offenses enumerated in
14 Section 25 of this Act shall contact the licensing agency or
15 follow other instructions as prescribed by administrative
16 rule.

17 (g) A fingerprint-based criminal history records check
18 submitted in accordance with subsection (d) of this Section
19 must be submitted as a fee applicant inquiry in the form and
20 manner prescribed by the Department of State Police.

21 (h) This Section shall be inapplicable upon the conclusion
22 of the CMMS grant.

23 (Source: P.A. 94-665, eff. 1-1-06; 94-931, eff. 6-26-06;
24 95-331, eff. 8-21-07; revised 11-14-13.)

25 Section 405. The Hearing Instrument Consumer Protection

1 Act is amended by changing Section 31 as follows:

2 (225 ILCS 50/31) (from Ch. 111, par. 7431)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 31. The provisions of "The Illinois Administrative
5 Procedure Act", approved September 22, 1975, as amended, shall
6 apply to this Act. All final administrative decisions of the
7 Department are subject to judicial review pursuant to the
8 provisions of Article III ~~3~~ of the "Code of Civil Procedure",
9 approved August 19, 1981, as amended. Any circuit court, upon
10 the application of the licensee or the Department, may order
11 the attendance of witnesses and the production of relevant
12 records in any Departmental hearing relative to the application
13 for or refusal, recall, suspension or revocation of a license.
14 (Source: P.A. 86-800; revised 11-14-13.)

15 Section 410. The Massage Licensing Act is amended by
16 changing Section 45 as follows:

17 (225 ILCS 57/45)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 45. Grounds for discipline.

20 (a) The Department may refuse to issue or renew, or may
21 revoke, suspend, place on probation, reprimand, or take other
22 disciplinary or non-disciplinary action, as the Department
23 considers appropriate, including the imposition of fines not to

1 exceed \$10,000 for each violation, with regard to any license
2 or licensee for any one or more of the following:

3 (1) violations of this Act or of the rules adopted
4 under this Act;

5 (2) conviction by plea of guilty or nolo contendere,
6 finding of guilt, jury verdict, or entry of judgment or by
7 sentencing of any crime, including, but not limited to,
8 convictions, preceding sentences of supervision,
9 conditional discharge, or first offender probation, under
10 the laws of any jurisdiction of the United States: (i) that
11 is a felony; or (ii) that is a misdemeanor, an essential
12 element of which is dishonesty, or that is directly related
13 to the practice of the profession;

14 (3) professional incompetence;

15 (4) advertising in a false, deceptive, or misleading
16 manner;

17 (5) aiding, abetting, assisting, procuring, advising,
18 employing, or contracting with any unlicensed person to
19 practice massage contrary to any rules or provisions of
20 this Act;

21 (6) engaging in immoral conduct in the commission of
22 any act, such as sexual abuse, sexual misconduct, or sexual
23 exploitation, related to the licensee's practice;

24 (7) engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public;

1 (8) practicing or offering to practice beyond the scope
2 permitted by law or accepting and performing professional
3 responsibilities which the licensee knows or has reason to
4 know that he or she is not competent to perform;

5 (9) knowingly delegating professional responsibilities
6 to a person unqualified by training, experience, or
7 licensure to perform;

8 (10) failing to provide information in response to a
9 written request made by the Department within 60 days;

10 (11) having a habitual or excessive use of or addiction
11 to alcohol, narcotics, stimulants, or any other chemical
12 agent or drug which results in the inability to practice
13 with reasonable judgment, skill, or safety;

14 (12) having a pattern of practice or other behavior
15 that demonstrates incapacity or incompetence to practice
16 under this Act;

17 (13) discipline by another state, District of
18 Columbia, territory, or foreign nation, if at least one of
19 the grounds for the discipline is the same or substantially
20 equivalent to those set forth in this Section;

21 (14) a finding by the Department that the licensee,
22 after having his or her license placed on probationary
23 status, has violated the terms of probation;

24 (15) willfully making or filing false records or
25 reports in his or her practice, including, but not limited
26 to, false records filed with State agencies or departments;

1 (16) making a material misstatement in furnishing
2 information to the Department or otherwise making
3 misleading, deceptive, untrue, or fraudulent
4 representations in violation of this Act or otherwise in
5 the practice of the profession;

6 (17) fraud or misrepresentation in applying for or
7 procuring a license under this Act or in connection with
8 applying for renewal of a license under this Act;

9 (18) inability to practice the profession with
10 reasonable judgment, skill, or safety as a result of
11 physical illness, including, but not limited to,
12 deterioration through the aging process, loss of motor
13 skill, or a mental illness or disability;

14 (19) charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered;

17 (20) practicing under a false or, except as provided by
18 law, an assumed name; or

19 (21) cheating on or attempting to subvert the licensing
20 examination administered under this Act.

21 All fines shall be paid within 60 days of the effective
22 date of the order imposing the fine.

23 (b) A person not licensed under this Act and engaged in the
24 business of offering massage therapy services through others,
25 shall not aid, abet, assist, procure, advise, employ, or
26 contract with any unlicensed person to practice massage therapy

1 contrary to any rules or provisions of this Act. A person
2 violating this subsection (b) shall be treated as a licensee
3 for the purposes of disciplinary action under this Section and
4 shall be subject to cease and desist orders as provided in
5 Section 90 of this Act.

6 (c) The Department shall revoke any license issued under
7 this Act of any person who is convicted of prostitution, rape,
8 sexual misconduct, or any crime that subjects the licensee to
9 compliance with the requirements of the Sex Offender
10 Registration Act and any such conviction shall operate as a
11 permanent bar in the State of Illinois to practice as a massage
12 therapist.

13 (d) The Department may refuse to issue or may suspend the
14 license of any person who fails to file a tax return, to pay
15 the tax, penalty, or interest shown in a filed tax return, or
16 to pay any final assessment of tax, penalty, or interest, as
17 required by any tax Act administered by the Illinois Department
18 of Revenue, until such time as the requirements of the tax Act
19 are satisfied in accordance with subsection (g) of Section
20 2105-15 of the Civil Administrative Code of Illinois.

21 (e) The Department shall deny a license or renewal
22 authorized by this Act to a person who has defaulted on an
23 educational loan or scholarship provided or guaranteed by the
24 Illinois Student Assistance Commission or any governmental
25 agency of this State in accordance with item (5) of subsection
26 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of

1 Illinois.

2 (f) In cases where the Department of Healthcare and Family
3 Services has previously determined that a licensee or a
4 potential licensee is more than 30 days delinquent in the
5 payment of child support and has subsequently certified the
6 delinquency to the Department, the Department may refuse to
7 issue or renew or may revoke or suspend that person's license
8 or may take other disciplinary action against that person based
9 solely upon the certification of delinquency made by the
10 Department of Healthcare and Family Services in accordance with
11 item (5) of subsection (a) ~~(g)~~ of Section 2105-15 of the Civil
12 Administrative Code of Illinois.

13 (g) The determination by a circuit court that a licensee is
14 subject to involuntary admission or judicial admission, as
15 provided in the Mental Health and Developmental Disabilities
16 Code, operates as an automatic suspension. The suspension will
17 end only upon a finding by a court that the patient is no
18 longer subject to involuntary admission or judicial admission
19 and the issuance of a court order so finding and discharging
20 the patient.

21 (h) In enforcing this Act, the Department or Board, upon a
22 showing of a possible violation, may compel an individual
23 licensed to practice under this Act, or who has applied for
24 licensure under this Act, to submit to a mental or physical
25 examination, or both, as required by and at the expense of the
26 Department. The Department or Board may order the examining

1 physician to present testimony concerning the mental or
2 physical examination of the licensee or applicant. No
3 information shall be excluded by reason of any common law or
4 statutory privilege relating to communications between the
5 licensee or applicant and the examining physician. The
6 examining physicians shall be specifically designated by the
7 Board or Department. The individual to be examined may have, at
8 his or her own expense, another physician of his or her choice
9 present during all aspects of this examination. The examination
10 shall be performed by a physician licensed to practice medicine
11 in all its branches. Failure of an individual to submit to a
12 mental or physical examination, when directed, shall result in
13 an automatic suspension without hearing.

14 A person holding a license under this Act or who has
15 applied for a license under this Act who, because of a physical
16 or mental illness or disability, including, but not limited to,
17 deterioration through the aging process or loss of motor skill,
18 is unable to practice the profession with reasonable judgment,
19 skill, or safety, may be required by the Department to submit
20 to care, counseling, or treatment by physicians approved or
21 designated by the Department as a condition, term, or
22 restriction for continued, reinstated, or renewed licensure to
23 practice. Submission to care, counseling, or treatment as
24 required by the Department shall not be considered discipline
25 of a license. If the licensee refuses to enter into a care,
26 counseling, or treatment agreement or fails to abide by the

1 terms of the agreement, the Department may file a complaint to
2 revoke, suspend, or otherwise discipline the license of the
3 individual. The Secretary may order the license suspended
4 immediately, pending a hearing by the Department. Fines shall
5 not be assessed in disciplinary actions involving physical or
6 mental illness or impairment.

7 In instances in which the Secretary immediately suspends a
8 person's license under this Section, a hearing on that person's
9 license must be convened by the Department within 15 days after
10 the suspension and completed without appreciable delay. The
11 Department and Board shall have the authority to review the
12 subject individual's record of treatment and counseling
13 regarding the impairment to the extent permitted by applicable
14 federal statutes and regulations safeguarding the
15 confidentiality of medical records.

16 An individual licensed under this Act and affected under
17 this Section shall be afforded an opportunity to demonstrate to
18 the Department or Board that he or she can resume practice in
19 compliance with acceptable and prevailing standards under the
20 provisions of his or her license.

21 (Source: P.A. 97-514, eff. 8-23-11; revised 11-14-13.)

22 Section 415. The Nurse Practice Act is amended by changing
23 Section 65-35 as follows:

24 (225 ILCS 65/65-35) (was 225 ILCS 65/15-15)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 65-35. Written collaborative agreements.

3 (a) A written collaborative agreement is required for all
4 advanced practice nurses engaged in clinical practice, except
5 for advanced practice nurses who are authorized to practice in
6 a hospital or ambulatory surgical treatment center.

7 (a-5) If an advanced practice nurse engages in clinical
8 practice outside of a hospital or ambulatory surgical treatment
9 center in which he or she is authorized to practice, the
10 advanced practice nurse must have a written collaborative
11 agreement.

12 (b) A written collaborative agreement shall describe the
13 working relationship of the advanced practice nurse with the
14 collaborating physician or podiatric physician and shall
15 authorize the categories of care, treatment, or procedures to
16 be performed by the advanced practice nurse. A collaborative
17 agreement with a dentist must be in accordance with subsection
18 (c-10) of this Section. Collaboration does not require an
19 employment relationship between the collaborating physician
20 and advanced practice nurse. Collaboration means the
21 relationship under which an advanced practice nurse works with
22 a collaborating physician or podiatric physician in an active
23 clinical practice to deliver health care services in accordance
24 with (i) the advanced practice nurse's training, education, and
25 experience and (ii) collaboration and consultation as
26 documented in a jointly developed written collaborative

1 agreement.

2 The agreement shall promote the exercise of professional
3 judgment by the advanced practice nurse commensurate with his
4 or her education and experience. The services to be provided by
5 the advanced practice nurse shall be services that the
6 collaborating physician or podiatric physician is authorized
7 to and generally provides or may provide in his or her clinical
8 medical or podiatric practice, except as set forth in
9 subsection ~~subsections~~ (b-5) or (c-5) of this Section. The
10 agreement need not describe the exact steps that an advanced
11 practice nurse must take with respect to each specific
12 condition, disease, or symptom but must specify which
13 authorized procedures require the presence of the
14 collaborating physician or podiatric physician as the
15 procedures are being performed. The collaborative relationship
16 under an agreement shall not be construed to require the
17 personal presence of a physician or podiatric physician at the
18 place where services are rendered. Methods of communication
19 shall be available for consultation with the collaborating
20 physician or podiatric physician in person or by
21 telecommunications in accordance with established written
22 guidelines as set forth in the written agreement.

23 (b-5) Absent an employment relationship, a written
24 collaborative agreement may not (1) restrict the categories of
25 patients of an advanced practice nurse within the scope of the
26 advanced practice nurses training and experience, (2) limit

1 third party payors or government health programs, such as the
2 medical assistance program or Medicare with which the advanced
3 practice nurse contracts, or (3) limit the geographic area or
4 practice location of the advanced practice nurse in this State.

5 (c) Collaboration and consultation under all collaboration
6 agreements shall be adequate if a collaborating physician or
7 podiatric physician does each of the following:

8 (1) Participates in the joint formulation and joint
9 approval of orders or guidelines with the advanced practice
10 nurse and he or she periodically reviews such orders and
11 the services provided patients under such orders in
12 accordance with accepted standards of medical practice or
13 podiatric practice and advanced practice nursing practice.

14 (2) Provides collaboration and consultation with the
15 advanced practice nurse at least once a month. In the case
16 of anesthesia services provided by a certified registered
17 nurse anesthetist, an anesthesiologist, a physician, a
18 dentist, or a podiatric physician must participate through
19 discussion of and agreement with the anesthesia plan and
20 remain physically present and available on the premises
21 during the delivery of anesthesia services for diagnosis,
22 consultation, and treatment of emergency medical
23 conditions.

24 (3) Is available through telecommunications for
25 consultation on medical problems, complications, or
26 emergencies or patient referral. In the case of anesthesia

1 services provided by a certified registered nurse
2 anesthetist, an anesthesiologist, a physician, a dentist,
3 or a podiatric physician must participate through
4 discussion of and agreement with the anesthesia plan and
5 remain physically present and available on the premises
6 during the delivery of anesthesia services for diagnosis,
7 consultation, and treatment of emergency medical
8 conditions.

9 The agreement must contain provisions detailing notice for
10 termination or change of status involving a written
11 collaborative agreement, except when such notice is given for
12 just cause.

13 (c-5) A certified registered nurse anesthetist, who
14 provides anesthesia services outside of a hospital or
15 ambulatory surgical treatment center shall enter into a written
16 collaborative agreement with an anesthesiologist or the
17 physician licensed to practice medicine in all its branches or
18 the podiatric physician performing the procedure. Outside of a
19 hospital or ambulatory surgical treatment center, the
20 certified registered nurse anesthetist may provide only those
21 services that the collaborating podiatric physician is
22 authorized to provide pursuant to the Podiatric Medical
23 Practice Act of 1987 and rules adopted thereunder. A certified
24 registered nurse anesthetist may select, order, and administer
25 medication, including controlled substances, and apply
26 appropriate medical devices for delivery of anesthesia

1 services under the anesthesia plan agreed with by the
2 anesthesiologist or the operating physician or operating
3 podiatric physician.

4 (c-10) A certified registered nurse anesthetist who
5 provides anesthesia services in a dental office shall enter
6 into a written collaborative agreement with an
7 anesthesiologist or the physician licensed to practice
8 medicine in all its branches or the operating dentist
9 performing the procedure. The agreement shall describe the
10 working relationship of the certified registered nurse
11 anesthetist and dentist and shall authorize the categories of
12 care, treatment, or procedures to be performed by the certified
13 registered nurse anesthetist. In a collaborating dentist's
14 office, the certified registered nurse anesthetist may only
15 provide those services that the operating dentist with the
16 appropriate permit is authorized to provide pursuant to the
17 Illinois Dental Practice Act and rules adopted thereunder. For
18 anesthesia services, an anesthesiologist, physician, or
19 operating dentist shall participate through discussion of and
20 agreement with the anesthesia plan and shall remain physically
21 present and be available on the premises during the delivery of
22 anesthesia services for diagnosis, consultation, and treatment
23 of emergency medical conditions. A certified registered nurse
24 anesthetist may select, order, and administer medication,
25 including controlled substances, and apply appropriate medical
26 devices for delivery of anesthesia services under the

1 anesthesia plan agreed with by the operating dentist.

2 (d) A copy of the signed, written collaborative agreement
3 must be available to the Department upon request from both the
4 advanced practice nurse and the collaborating physician or
5 podiatric physician.

6 (e) Nothing in this Act shall be construed to limit the
7 delegation of tasks or duties by a physician to a licensed
8 practical nurse, a registered professional nurse, or other
9 persons in accordance with Section 54.2 of the Medical Practice
10 Act of 1987. Nothing in this Act shall be construed to limit
11 the method of delegation that may be authorized by any means,
12 including, but not limited to, oral, written, electronic,
13 standing orders, protocols, guidelines, or verbal orders.

14 (f) An advanced practice nurse shall inform each
15 collaborating physician, dentist, or podiatric physician of
16 all collaborative agreements he or she has signed and provide a
17 copy of these to any collaborating physician, dentist, or
18 podiatric physician upon request.

19 (g) For the purposes of this Act, "generally provides or
20 may provide in his or her clinical medical practice" means
21 categories of care or treatment, not specific tasks or duties,
22 the physician ~~podiatric physician~~ provides individually or
23 through delegation to other persons so that the physician
24 ~~podiatric physician~~ has the experience and ability to provide
25 collaboration and consultation. This definition shall not be
26 construed to prohibit an advanced practice nurse from providing

1 primary health treatment or care within the scope of his or her
2 training and experience, including, but not limited to, health
3 screenings, patient histories, physical examinations, women's
4 health examinations, or school physicals that may be provided
5 as part of the routine practice of an advanced practice nurse
6 or on a volunteer basis.

7 For the purposes of this Act, "generally provides or may
8 provide in ~~to his or her patients in the normal course of his~~
9 or her clinical podiatric practice" means services, not
10 specific tasks or duties, that the podiatric physician
11 ~~podiatrist~~ routinely provides individually or through
12 delegation to other persons so that the podiatric physician
13 ~~podiatrist~~ has the experience and ability to provide
14 collaboration and consultation.

15 (Source: P.A. 97-358, eff. 8-12-11; 98-192, eff. 1-1-14;
16 98-214, eff. 8-9-13; revised 9-24-13.)

17 Section 420. The Illinois Occupational Therapy Practice
18 Act is amended by changing Sections 3, 3.1, 15, 19, and 21 as
19 follows:

20 (225 ILCS 75/3) (from Ch. 111, par. 3703)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 3. Licensure requirement; exempt activities. After
23 the effective date of this Act, no person shall practice
24 occupational therapy or hold himself out as an occupational

1 therapist or an occupational therapy assistant, or as being
2 able to practice occupational therapy or to render services
3 designated as occupational therapy in this State, unless he is
4 licensed in accordance with the provisions of this Act.

5 Nothing in this Act shall be construed as preventing or
6 restricting the practice, services, or activities of:

7 (1) Any person licensed in this State by any other law
8 from engaging in the profession or occupation for which he
9 is licensed; or

10 (2) Any person employed as an occupational therapist or
11 occupational therapy assistant by the Government of the
12 United States, if such person provides occupational
13 therapy solely under the direction or control of the
14 organization by which he or she is employed; or

15 (3) Any person pursuing a course of study leading to a
16 degree or certificate in occupational therapy at an
17 accredited or approved educational program if such
18 activities and services constitute a part of a supervised
19 course of study, and if such person is designated by a
20 title which clearly indicates his or her status as a
21 student or trainee; or

22 (4) Any person fulfilling the supervised work
23 experience requirements of Sections 8 and 9 of this Act, if
24 such activities and services constitute a part of the
25 experience necessary to meet the requirement of those
26 Sections; or

1 (5) Any person performing occupational therapy
2 services in the State, if such a person is not a resident
3 of this State and is not licensed under this Act, and if
4 such services are performed for no more than 60 days a
5 calendar year in association with an occupational
6 therapist licensed under this Act and if such person meets
7 the qualifications for license under this Act and:

8 (i) such person is licensed under the law of
9 another state which has licensure requirements at
10 least as restrictive as the requirements of this Act,
11 or

12 (ii) such person meets the requirements for
13 certification as an Occupational Therapist Registered
14 (O.T.R.) or a Certified Occupational Therapy Assistant
15 (C.O.T.A.) established by the National Board for
16 Certification of Occupational Therapy or another
17 nationally recognized credentialing body approved by
18 the Board; or

19 (6) The practice of occupational therapy by one who has
20 applied in writing to the Department for a license, in form
21 and substance satisfactory to the Department, and has
22 complied with all the provisions of either Section 8 or 9
23 except the passing of the examination to be eligible to
24 receive such license. In no event shall this exemption
25 extend to any person for longer than 6 months, except as
26 follows:

1 (i) if the date on which a person can take the next
2 available examination authorized by the Department
3 extends beyond 6 months from the date the person
4 completes the occupational therapy program as required
5 under Section 8 or 9, the Department shall extend the
6 exemption until the results of that examination become
7 available to the Department; or

8 (ii) if the Department is unable to complete its
9 evaluation and processing of a person's application
10 for a license within 6 months after the date on which
11 the application is submitted to the Department in
12 proper form, the Department shall extend the exemption
13 until the Department has completed its evaluation and
14 processing of the application.

15 In the event such applicant fails the examination, the
16 applicant shall cease work immediately until such time as
17 the applicant is licensed to practice occupational therapy
18 in this State; ~~or-~~

19 (7) The practice of occupational therapy by one who has
20 applied to the Department, in form and substance
21 satisfactory to the Department, and who is licensed to
22 practice occupational therapy under the laws of another
23 state, territory of the United States or country and who is
24 qualified to receive a license under the provisions of
25 either Section 8 or 9 of this Act. In no event shall this
26 exemption extend to any person for longer than 6 months; i

1 ~~or~~

2 (8) (Blank).

3 (Source: P.A. 98-264, eff. 12-31-13; revised 11-14-13.)

4 (225 ILCS 75/3.1)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 3.1. Referrals.

7 (a) A licensed occupational therapist or licensed
8 occupational therapy assistant may consult with, educate,
9 evaluate, and monitor services for individuals, groups, and
10 populations concerning occupational therapy needs. Except as
11 indicated in subsections (b) and (c) of this Section,
12 implementation of direct occupational therapy treatment to
13 individuals for their specific health care conditions shall be
14 based upon a referral from a licensed physician, dentist,
15 podiatric physician, or advanced practice nurse who has a
16 written collaborative agreement with a collaborating physician
17 to provide or accept referrals from licensed occupational
18 therapists, physician assistant who has been delegated
19 authority to provide or accept referrals from or to licensed
20 occupational therapists, or optometrist.

21 (b) A referral is not required for the purpose of providing
22 consultation, habilitation, screening, education, wellness,
23 prevention, environmental assessments, and work-related
24 ergonomic services to individuals, groups, or populations.

25 (c) Referral from a physician or other health care provider

1 is not required for evaluation or intervention for children and
2 youths if an occupational therapist or occupational therapy
3 assistant provides services in a school-based or educational
4 environment, including the child's home.

5 (d) An occupational therapist shall refer to a licensed
6 physician, dentist, optometrist, advanced practice nurse,
7 physician assistant, or podiatric physician any patient whose
8 medical condition should, at the time of evaluation or
9 treatment, be determined to be beyond the scope of practice of
10 the occupational therapist.

11 (Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13;
12 revised 9-9-13.)

13 (225 ILCS 75/15) (from Ch. 111, par. 3715)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 15. Any person who is issued a license as an
16 occupational therapist registered under the terms of this Act
17 may use the words "occupational therapist" or "licensed
18 occupational therapist", or may use the letters "O.T.", "OT/L",
19 or "OTR/L", in connection with his or her name or place of
20 business to denote his or her licensure under this Act.

21 Any person who is issued a license as an ~~a~~ occupational
22 therapy assistant under the terms of this Act may use the
23 words, "occupational therapy assistant" or "licensed
24 occupational therapy assistant", or he or she may use the
25 letters "O.T.A.", "OTA/L", or "COTA/L" in connection with his

1 or her name or place of business to denote his or her licensure
2 under this Act.

3 (Source: P.A. 98-264, eff. 12-31-13; revised 11-12-13.)

4 (225 ILCS 75/19) (from Ch. 111, par. 3719)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 19. Grounds for discipline.

7 (a) The Department may refuse to issue or renew, or may
8 revoke, suspend, place on probation, reprimand or take other
9 disciplinary or non-disciplinary action as the Department may
10 deem proper, including imposing fines not to exceed \$10,000 for
11 each violation and the assessment of costs as provided under
12 Section 19.3 of this Act, with regard to any license for any
13 one or combination of the following:

14 (1) Material misstatement in furnishing information to
15 the Department;

16 (2) Violations of this Act, or of the rules promulgated
17 thereunder;

18 (3) Conviction by plea of guilty or nolo contendere,
19 finding of guilt, jury verdict, or entry of judgment or
20 sentencing of any crime, including, but not limited to,
21 convictions, preceding sentences of supervision,
22 conditional discharge, or first offender probation, under
23 the laws of any jurisdiction of the United States that is
24 (i) a felony or (ii) a misdemeanor, an essential element of
25 which is dishonesty, or that is directly related to the

1 practice of the profession;

2 (4) Fraud or any misrepresentation in applying for or
3 procuring a license under this Act, or in connection with
4 applying for renewal of a license under this Act;

5 (5) Professional incompetence;

6 (6) Aiding or assisting another person, firm,
7 partnership or corporation in violating any provision of
8 this Act or rules;

9 (7) Failing, within 60 days, to provide information in
10 response to a written request made by the Department;

11 (8) Engaging in dishonorable, unethical or
12 unprofessional conduct of a character likely to deceive,
13 defraud or harm the public;

14 (9) Habitual or excessive use or abuse of drugs defined
15 in law as controlled substances, alcohol, or any other
16 substance that results in the inability to practice with
17 reasonable judgment, skill, or safety;

18 (10) Discipline by another state, unit of government,
19 government agency, the District of Columbia, a territory,
20 or foreign nation, if at least one of the grounds for the
21 discipline is the same or substantially equivalent to those
22 set forth herein;

23 (11) Directly or indirectly giving to or receiving from
24 any person, firm, corporation, partnership, or association
25 any fee, commission, rebate or other form of compensation
26 for professional services not actually or personally

1 rendered. Nothing in this paragraph (11) affects any bona
2 fide independent contractor or employment arrangements
3 among health care professionals, health facilities, health
4 care providers, or other entities, except as otherwise
5 prohibited by law. Any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the licensee's practice under this Act.
9 Nothing in this paragraph (11) shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered;

12 (12) A finding by the Department that the license
13 holder, after having his license disciplined, has violated
14 the terms of the discipline;

15 (13) Wilfully making or filing false records or reports
16 in the practice of occupational therapy, including but not
17 limited to false records filed with the State agencies or
18 departments;

19 (14) Physical illness, including but not limited to,
20 deterioration through the aging process, or loss of motor
21 skill which results in the inability to practice under this
22 Act with reasonable judgment, skill, or safety;

23 (15) Solicitation of professional services other than
24 by permitted advertising;

25 (16) Allowing one's license under this Act to be used
26 by an unlicensed person in violation of this Act;

1 (17) Practicing under a false or, except as provided by
2 law, assumed name;

3 (18) Professional incompetence or gross negligence;

4 (19) Malpractice;

5 (20) Promotion of the sale of drugs, devices,
6 appliances, or goods provided for a patient in any manner
7 to exploit the client for financial gain of the licensee;

8 (21) Gross, willful, or continued overcharging for
9 professional services;

10 (22) Mental illness or disability that results in the
11 inability to practice under this Act with reasonable
12 judgment, skill, or safety;

13 (23) Violating the Health Care Worker Self-Referral
14 Act;

15 (24) Having treated patients other than by the practice
16 of occupational therapy as defined in this Act, or having
17 treated patients as a licensed occupational therapist
18 independent of a referral from a physician, advanced
19 practice nurse or physician assistant in accordance with
20 Section 3.1, dentist, podiatric physician, or optometrist,
21 or having failed to notify the physician, advanced practice
22 nurse, physician assistant, dentist, podiatric physician,
23 or optometrist who established a diagnosis that the patient
24 is receiving occupational therapy pursuant to that
25 diagnosis;

26 (25) Cheating on or attempting to subvert the licensing

1 examination administered under this Act; and

2 (26) Charging for professional services not rendered,
3 including filing false statements for the collection of
4 fees for which services are not rendered.

5 All fines imposed under this Section shall be paid within
6 60 days after the effective date of the order imposing the fine
7 or in accordance with the terms set forth in the order imposing
8 the fine.

9 (b) The determination by a circuit court that a license
10 holder is subject to involuntary admission or judicial
11 admission as provided in the Mental Health and Developmental
12 Disabilities Code, as now or hereafter amended, operates as an
13 automatic suspension. Such suspension will end only upon a
14 finding by a court that the patient is no longer subject to
15 involuntary admission or judicial admission and an order by the
16 court so finding and discharging the patient. In any case where
17 a license is suspended under this provision, the licensee shall
18 file a petition for restoration and shall include evidence
19 acceptable to the Department that the licensee can resume
20 practice in compliance with acceptable and prevailing
21 standards of their profession.

22 (c) The Department may refuse to issue or may suspend
23 without hearing, as provided for in the Code of Civil
24 Procedure, the license of any person who fails to file a
25 return, to pay the tax, penalty, or interest shown in a filed
26 return, or to pay any final assessment of tax, penalty, or

1 interest as required by any tax Act administered by the
2 Illinois Department of Revenue, until such time as the
3 requirements of any such tax Act are satisfied in accordance
4 with subsection (a) of Section 2105-15 of the Department of
5 Professional Regulation Law of the Civil Administrative Code of
6 Illinois.

7 (d) In enforcing this Section, the Department, upon a
8 showing of a possible violation, may compel any individual who
9 is licensed under this Act or any individual who has applied
10 for licensure to submit to a mental or physical examination or
11 evaluation, or both, which may include a substance abuse or
12 sexual offender evaluation, at the expense of the Department.
13 The Department shall specifically designate the examining
14 physician licensed to practice medicine in all of its branches
15 or, if applicable, the multidisciplinary team involved in
16 providing the mental or physical examination and evaluation.
17 The multidisciplinary team shall be led by a physician licensed
18 to practice medicine in all of its branches and may consist of
19 one or more or a combination of physicians licensed to practice
20 medicine in all of its branches, licensed chiropractic
21 physicians, licensed clinical psychologists, licensed clinical
22 social workers, licensed clinical professional counselors, and
23 other professional and administrative staff. Any examining
24 physician or member of the multidisciplinary team may require
25 any person ordered to submit to an examination and evaluation
26 pursuant to this Section to submit to any additional

1 supplemental testing deemed necessary to complete any
2 examination or evaluation process, including, but not limited
3 to, blood testing, urinalysis, psychological testing, or
4 neuropsychological testing.

5 The Department may order the examining physician or any
6 member of the multidisciplinary team to provide to the
7 Department any and all records, including business records,
8 that relate to the examination and evaluation, including any
9 supplemental testing performed. The Department may order the
10 examining physician or any member of the multidisciplinary team
11 to present testimony concerning this examination and
12 evaluation of the licensee or applicant, including testimony
13 concerning any supplemental testing or documents relating to
14 the examination and evaluation. No information, report,
15 record, or other documents in any way related to the
16 examination and evaluation shall be excluded by reason of any
17 common law or statutory privilege relating to communication
18 between the licensee or applicant and the examining physician
19 or any member of the multidisciplinary team. No authorization
20 is necessary from the licensee or applicant ordered to undergo
21 an evaluation and examination for the examining physician or
22 any member of the multidisciplinary team to provide
23 information, reports, records, or other documents or to provide
24 any testimony regarding the examination and evaluation. The
25 individual to be examined may have, at his or her own expense,
26 another physician of his or her choice present during all

1 aspects of the examination.

2 Failure of any individual to submit to mental or physical
3 examination or evaluation, or both, when directed, shall result
4 in an automatic suspension without hearing, until such time as
5 the individual submits to the examination. If the Department
6 finds a licensee unable to practice because of the reasons set
7 forth in this Section, the Department shall require the
8 licensee to submit to care, counseling, or treatment by
9 physicians approved or designated by the Department as a
10 condition for continued, reinstated, or renewed licensure.

11 When the Secretary immediately suspends a license under
12 this Section, a hearing upon such person's license must be
13 convened by the Department within 15 days after the suspension
14 and completed without appreciable delay. The Department shall
15 have the authority to review the licensee's record of treatment
16 and counseling regarding the impairment to the extent permitted
17 by applicable federal statutes and regulations safeguarding
18 the confidentiality of medical records.

19 Individuals licensed under this Act that are affected under
20 this Section, shall be afforded an opportunity to demonstrate
21 to the Department that they can resume practice in compliance
22 with acceptable and prevailing standards under the provisions
23 of their license.

24 (e) The Department shall deny a license or renewal
25 authorized by this Act to a person who has defaulted on an
26 educational loan or scholarship provided or guaranteed by the

1 Illinois Student Assistance Commission or any governmental
2 agency of this State in accordance with paragraph (5) of
3 subsection (a) of Section 2105-15 of the Department of
4 Professional Regulation Law of the Civil Administrative Code of
5 Illinois.

6 (f) In cases where the Department of Healthcare and Family
7 Services has previously determined a licensee or a potential
8 licensee is more than 30 days delinquent in the payment of
9 child support and has subsequently certified the delinquency to
10 the Department, the Department may refuse to issue or renew or
11 may revoke or suspend that person's license or may take other
12 disciplinary action against that person based solely upon the
13 certification of delinquency made by the Department of
14 Healthcare and Family Services in accordance with paragraph (5)
15 of subsection (a) of Section 2105-15 of the Department of
16 Professional Regulation Law of the Civil Administrative Code of
17 Illinois.

18 (Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13;
19 revised 9-24-13.)

20 (225 ILCS 75/21) (from Ch. 111, par. 3737)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 21. Home rule. The regulation and licensing as an a
23 occupational therapist are exclusive powers and functions of
24 the State. A home rule unit may not regulate or license an
25 occupational therapist or the practice of occupational

1 therapy. This Section is a denial and limitation of home rule
2 powers and functions under subsection (h) of Section 6 of
3 Article VII of the Illinois Constitution.

4 (Source: P.A. 98-264, eff. 12-31-13; revised 11-12-13.)

5 Section 425. The Orthotics, Prosthetics, and Pedorthics
6 Practice Act is amended by changing Section 90 as follows:

7 (225 ILCS 84/90)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 90. Grounds for discipline.

10 (a) The Department may refuse to issue or renew a license,
11 or may revoke or suspend a license, or may suspend, place on
12 probation, or reprimand a licensee or take other disciplinary
13 or non-disciplinary action as the Department may deem proper,
14 including, but not limited to, the imposition of fines not to
15 exceed \$10,000 for each violation for one or any combination of
16 the following:

17 (1) Making a material misstatement in furnishing
18 information to the Department or the Board.

19 (2) Violations of or negligent or intentional
20 disregard of this Act or its rules.

21 (3) Conviction of, or entry of a plea of guilty or nolo
22 contendere to any crime that is a felony under the laws of
23 the United States or any state or territory thereof or that
24 is a misdemeanor of which an essential element is

1 dishonesty, or any crime that is directly related to the
2 practice of the profession.

3 (4) Making a misrepresentation for the purpose of
4 obtaining a license.

5 (5) A pattern of practice or other behavior that
6 demonstrates incapacity or incompetence to practice under
7 this Act.

8 (6) Gross negligence under this Act.

9 (7) Aiding or assisting another person in violating a
10 provision of this Act or its rules.

11 (8) Failing to provide information within 60 days in
12 response to a written request made by the Department.

13 (9) Engaging in dishonorable, unethical, or
14 unprofessional conduct or conduct of a character likely to
15 deceive, defraud, or harm the public.

16 (10) Inability to practice with reasonable judgment,
17 skill, or safety as a result of habitual or excessive use
18 or addiction to alcohol, narcotics, stimulants, or any
19 other chemical agent or drug.

20 (11) Discipline by another state or territory of the
21 United States, the federal government, or foreign nation,
22 if at least one of the grounds for the discipline is the
23 same or substantially equivalent to one set forth in this
24 Section.

25 (12) Directly or indirectly giving to or receiving from
26 a person, firm, corporation, partnership, or association a

1 fee, commission, rebate, or other form of compensation for
2 professional services not actually or personally rendered.
3 Nothing in this paragraph (12) affects any bona fide
4 independent contractor or employment arrangements among
5 health care professionals, health facilities, health care
6 providers, or other entities, except as otherwise
7 prohibited by law. Any employment arrangements may include
8 provisions for compensation, health insurance, pension, or
9 other employment benefits for the provision of services
10 within the scope of the licensee's practice under this Act.
11 Nothing in this paragraph (12) shall be construed to
12 require an employment arrangement to receive professional
13 fees for services rendered.

14 (13) A finding by the Board that the licensee or
15 registrant, after having his or her license placed on
16 probationary status, has violated the terms of probation.

17 (14) Abandonment of a patient or client.

18 (15) Willfully making or filing false records or
19 reports in his or her practice including, but not limited
20 to, false records filed with State agencies or departments.

21 (16) Willfully failing to report an instance of
22 suspected child abuse or neglect as required by the Abused
23 and Neglected Child Reporting Act.

24 (17) Inability to practice the profession with
25 reasonable judgment, skill, or safety as a result of a
26 physical illness, including, but not limited to,

1 deterioration through the aging process or loss of motor
2 skill, or a mental illness or disability.

3 (18) Solicitation of professional services using false
4 or misleading advertising.

5 (b) In enforcing this Section, the Department or Board upon
6 a showing of a possible violation, may compel a licensee or
7 applicant to submit to a mental or physical examination, or
8 both, as required by and at the expense of the Department. The
9 Department or Board may order the examining physician to
10 present testimony concerning the mental or physical
11 examination of the licensee or applicant. No information shall
12 be excluded by reason of any common law or statutory privilege
13 relating to communications between the licensee or applicant
14 and the examining physician. The examining physicians shall be
15 specifically designated by the Board or Department. The
16 individual to be examined may have, at his or her own expense,
17 another physician of his or her choice present during all
18 aspects of this examination. Failure of an individual to submit
19 to a mental or physical examination, when directed, shall be
20 grounds for the immediate suspension of his or her license
21 until the individual submits to the examination if the
22 Department finds that the refusal to submit to the examination
23 was without reasonable cause as defined by rule.

24 In instances in which the Secretary immediately suspends a
25 person's license for his or her failure to submit to a mental
26 or physical examination, when directed, a hearing on that

1 person's license must be convened by the Department within 15
2 days after the suspension and completed without appreciable
3 delay.

4 In instances in which the Secretary otherwise suspends a
5 person's license pursuant to the results of a compelled mental
6 or physical examination, a hearing on that person's license
7 must be convened by the Department within 15 days after the
8 suspension and completed without appreciable delay. The
9 Department and Board shall have the authority to review the
10 subject individual's record of treatment and counseling
11 regarding the impairment to the extent permitted by applicable
12 federal statutes and regulations safeguarding the
13 confidentiality of medical records.

14 An individual licensed under this Act and affected under
15 this Section shall be afforded an opportunity to demonstrate to
16 the Department or Board that he or she can resume practice in
17 compliance with acceptable and prevailing standards under the
18 provisions of his or her license.

19 (c) The Department shall deny a license or renewal
20 authorized by this Act to a person who has defaulted on an
21 educational loan or scholarship provided or guaranteed by the
22 Illinois Student Assistance Commission or any governmental
23 agency of this State in accordance with subsection (a)(5) of
24 Section 2105-15 ~~15~~ of the Department of Professional Regulation
25 Law of the Civil Administrative Code of Illinois (20 ILCS
26 2105/2105-15).

1 (d) In cases where the Department of Healthcare and Family
2 Services (formerly Department of Public Aid) has previously
3 determined that a licensee or a potential licensee is more than
4 30 days delinquent in the payment of child support and has
5 subsequently certified the delinquency to the Department, the
6 Department may refuse to issue or renew or may revoke or
7 suspend that person's license or may take other disciplinary
8 action against that person based solely upon the certification
9 of delinquency made by the Department of Healthcare and Family
10 Services in accordance with subsection (a)(5) of Section
11 2105-15 ~~15~~ of the Department of Professional Regulation Law of
12 the Civil Administrative Code of Illinois (20 ILCS
13 2105/2105-15).

14 (e) The Department may refuse to issue or renew a license,
15 or may revoke or suspend a license, for failure to file a
16 return, to pay the tax, penalty, or interest shown in a filed
17 return, or to pay any final assessment of tax, penalty, or
18 interest as required by any tax Act administered by the
19 Department of Revenue, until such time as the requirements of
20 the tax Act are satisfied in accordance with subsection (g) of
21 Section 2105-15 ~~15~~ of the Department of Professional Regulation
22 Law of the Civil Administrative Code of Illinois (20 ILCS
23 2105/2105-15).

24 (Source: P.A. 96-682, eff. 8-25-09; 96-1482, eff. 11-29-10;
25 revised 11-14-13.)

1 Section 430. The Pharmacy Practice Act is amended by
2 changing Section 3 as follows:

3 (225 ILCS 85/3)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 3. Definitions. For the purpose of this Act, except
6 where otherwise limited therein:

7 (a) "Pharmacy" or "drugstore" means and includes every
8 store, shop, pharmacy department, or other place where
9 pharmacist care is provided by a pharmacist (1) where drugs,
10 medicines, or poisons are dispensed, sold or offered for sale
11 at retail, or displayed for sale at retail; or (2) where
12 prescriptions of physicians, dentists, advanced practice
13 nurses, physician assistants, veterinarians, podiatric
14 physicians, or optometrists, within the limits of their
15 licenses, are compounded, filled, or dispensed; or (3) which
16 has upon it or displayed within it, or affixed to or used in
17 connection with it, a sign bearing the word or words
18 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
19 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
20 "Drugs", "Dispensary", "Medicines", or any word or words of
21 similar or like import, either in the English language or any
22 other language; or (4) where the characteristic prescription
23 sign (Rx) or similar design is exhibited; or (5) any store, or
24 shop, or other place with respect to which any of the above
25 words, objects, signs or designs are used in any advertisement.

1 (b) "Drugs" means and includes (1) articles recognized in
2 the official United States Pharmacopoeia/National Formulary
3 (USP/NF), or any supplement thereto and being intended for and
4 having for their main use the diagnosis, cure, mitigation,
5 treatment or prevention of disease in man or other animals, as
6 approved by the United States Food and Drug Administration, but
7 does not include devices or their components, parts, or
8 accessories; and (2) all other articles intended for and having
9 for their main use the diagnosis, cure, mitigation, treatment
10 or prevention of disease in man or other animals, as approved
11 by the United States Food and Drug Administration, but does not
12 include devices or their components, parts, or accessories; and
13 (3) articles (other than food) having for their main use and
14 intended to affect the structure or any function of the body of
15 man or other animals; and (4) articles having for their main
16 use and intended for use as a component or any articles
17 specified in clause (1), (2) or (3); but does not include
18 devices or their components, parts or accessories.

19 (c) "Medicines" means and includes all drugs intended for
20 human or veterinary use approved by the United States Food and
21 Drug Administration.

22 (d) "Practice of pharmacy" means (1) the interpretation and
23 the provision of assistance in the monitoring, evaluation, and
24 implementation of prescription drug orders; (2) the dispensing
25 of prescription drug orders; (3) participation in drug and
26 device selection; (4) drug administration limited to the

1 administration of oral, topical, injectable, and inhalation as
2 follows: in the context of patient education on the proper use
3 or delivery of medications; vaccination of patients 14 years of
4 age and older pursuant to a valid prescription or standing
5 order, by a physician licensed to practice medicine in all its
6 branches, upon completion of appropriate training, including
7 how to address contraindications and adverse reactions set
8 forth by rule, with notification to the patient's physician and
9 appropriate record retention, or pursuant to hospital pharmacy
10 and therapeutics committee policies and procedures; (5)
11 vaccination of patients ages 10 through 13 limited to the
12 Influenza (inactivated influenza vaccine and live attenuated
13 influenza intranasal vaccine) and Tdap (defined as tetanus,
14 diphtheria, acellular pertussis) vaccines, pursuant to a valid
15 prescription or standing order, by a physician licensed to
16 practice medicine in all its branches, upon completion of
17 appropriate training, including how to address
18 contraindications and adverse reactions set forth by rule, with
19 notification to the patient's physician and appropriate record
20 retention, or pursuant to hospital pharmacy and therapeutics
21 committee policies and procedures; (6) drug regimen review; (7)
22 drug or drug-related research; (8) the provision of patient
23 counseling; (9) the practice of telepharmacy; (10) the
24 provision of those acts or services necessary to provide
25 pharmacist care; (11) medication therapy management; and (12)
26 the responsibility for compounding and labeling of drugs and

1 devices (except labeling by a manufacturer, repackager, or
2 distributor of non-prescription drugs and commercially
3 packaged legend drugs and devices), proper and safe storage of
4 drugs and devices, and maintenance of required records. A
5 pharmacist who performs any of the acts defined as the practice
6 of pharmacy in this State must be actively licensed as a
7 pharmacist under this Act.

8 (e) "Prescription" means and includes any written, oral,
9 facsimile, or electronically transmitted order for drugs or
10 medical devices, issued by a physician licensed to practice
11 medicine in all its branches, dentist, veterinarian, ~~or~~
12 podiatric physician, or optometrist, within the limits of their
13 licenses, by a physician assistant in accordance with
14 subsection (f) of Section 4, or by an advanced practice nurse
15 in accordance with subsection (g) of Section 4, containing the
16 following: (1) name of the patient; (2) date when prescription
17 was issued; (3) name and strength of drug or description of the
18 medical device prescribed; and (4) quantity; (5) directions for
19 use; (6) prescriber's name, address, and signature; and (7) DEA
20 number where required, for controlled substances. The
21 prescription may, but is not required to, list the illness,
22 disease, or condition for which the drug or device is being
23 prescribed. DEA numbers shall not be required on inpatient drug
24 orders.

25 (f) "Person" means and includes a natural person,
26 copartnership, association, corporation, government entity, or

1 any other legal entity.

2 (g) "Department" means the Department of Financial and
3 Professional Regulation.

4 (h) "Board of Pharmacy" or "Board" means the State Board of
5 Pharmacy of the Department of Financial and Professional
6 Regulation.

7 (i) "Secretary" means the Secretary of Financial and
8 Professional Regulation.

9 (j) "Drug product selection" means the interchange for a
10 prescribed pharmaceutical product in accordance with Section
11 25 of this Act and Section 3.14 of the Illinois Food, Drug and
12 Cosmetic Act.

13 (k) "Inpatient drug order" means an order issued by an
14 authorized prescriber for a resident or patient of a facility
15 licensed under the Nursing Home Care Act, the ID/DD Community
16 Care Act, the Specialized Mental Health Rehabilitation Act of
17 2013, or the Hospital Licensing Act, or "An Act in relation to
18 the founding and operation of the University of Illinois
19 Hospital and the conduct of University of Illinois health care
20 programs", approved July 3, 1931, as amended, or a facility
21 which is operated by the Department of Human Services (as
22 successor to the Department of Mental Health and Developmental
23 Disabilities) or the Department of Corrections.

24 (k-5) "Pharmacist" means an individual health care
25 professional and provider currently licensed by this State to
26 engage in the practice of pharmacy.

1 (1) "Pharmacist in charge" means the licensed pharmacist
2 whose name appears on a pharmacy license and who is responsible
3 for all aspects of the operation related to the practice of
4 pharmacy.

5 (m) "Dispense" or "dispensing" means the interpretation,
6 evaluation, and implementation of a prescription drug order,
7 including the preparation and delivery of a drug or device to a
8 patient or patient's agent in a suitable container
9 appropriately labeled for subsequent administration to or use
10 by a patient in accordance with applicable State and federal
11 laws and regulations. "Dispense" or "dispensing" does not mean
12 the physical delivery to a patient or a patient's
13 representative in a home or institution by a designee of a
14 pharmacist or by common carrier. "Dispense" or "dispensing"
15 also does not mean the physical delivery of a drug or medical
16 device to a patient or patient's representative by a
17 pharmacist's designee within a pharmacy or drugstore while the
18 pharmacist is on duty and the pharmacy is open.

19 (n) "Nonresident pharmacy" means a pharmacy that is located
20 in a state, commonwealth, or territory of the United States,
21 other than Illinois, that delivers, dispenses, or distributes,
22 through the United States Postal Service, commercially
23 acceptable parcel delivery service, or other common carrier, to
24 Illinois residents, any substance which requires a
25 prescription.

26 (o) "Compounding" means the preparation and mixing of

1 components, excluding flavorings, (1) as the result of a
2 prescriber's prescription drug order or initiative based on the
3 prescriber-patient-pharmacist relationship in the course of
4 professional practice or (2) for the purpose of, or incident
5 to, research, teaching, or chemical analysis and not for sale
6 or dispensing. "Compounding" includes the preparation of drugs
7 or devices in anticipation of receiving prescription drug
8 orders based on routine, regularly observed dispensing
9 patterns. Commercially available products may be compounded
10 for dispensing to individual patients only if all of the
11 following conditions are met: (i) the commercial product is not
12 reasonably available from normal distribution channels in a
13 timely manner to meet the patient's needs and (ii) the
14 prescribing practitioner has requested that the drug be
15 compounded.

16 (p) (Blank).

17 (q) (Blank).

18 (r) "Patient counseling" means the communication between a
19 pharmacist or a student pharmacist under the supervision of a
20 pharmacist and a patient or the patient's representative about
21 the patient's medication or device for the purpose of
22 optimizing proper use of prescription medications or devices.
23 "Patient counseling" may include without limitation (1)
24 obtaining a medication history; (2) acquiring a patient's
25 allergies and health conditions; (3) facilitation of the
26 patient's understanding of the intended use of the medication;

1 (4) proper directions for use; (5) significant potential
2 adverse events; (6) potential food-drug interactions; and (7)
3 the need to be compliant with the medication therapy. A
4 pharmacy technician may only participate in the following
5 aspects of patient counseling under the supervision of a
6 pharmacist: (1) obtaining medication history; (2) providing
7 the offer for counseling by a pharmacist or student pharmacist;
8 and (3) acquiring a patient's allergies and health conditions.

9 (s) "Patient profiles" or "patient drug therapy record"
10 means the obtaining, recording, and maintenance of patient
11 prescription information, including prescriptions for
12 controlled substances, and personal information.

13 (t) (Blank).

14 (u) "Medical device" means an instrument, apparatus,
15 implement, machine, contrivance, implant, in vitro reagent, or
16 other similar or related article, including any component part
17 or accessory, required under federal law to bear the label
18 "Caution: Federal law requires dispensing by or on the order of
19 a physician". A seller of goods and services who, only for the
20 purpose of retail sales, compounds, sells, rents, or leases
21 medical devices shall not, by reasons thereof, be required to
22 be a licensed pharmacy.

23 (v) "Unique identifier" means an electronic signature,
24 handwritten signature or initials, thumb print, or other
25 acceptable biometric or electronic identification process as
26 approved by the Department.

1 (w) "Current usual and customary retail price" means the
2 price that a pharmacy charges to a non-third-party payor.

3 (x) "Automated pharmacy system" means a mechanical system
4 located within the confines of the pharmacy or remote location
5 that performs operations or activities, other than compounding
6 or administration, relative to storage, packaging, dispensing,
7 or distribution of medication, and which collects, controls,
8 and maintains all transaction information.

9 (y) "Drug regimen review" means and includes the evaluation
10 of prescription drug orders and patient records for (1) known
11 allergies; (2) drug or potential therapy contraindications;
12 (3) reasonable dose, duration of use, and route of
13 administration, taking into consideration factors such as age,
14 gender, and contraindications; (4) reasonable directions for
15 use; (5) potential or actual adverse drug reactions; (6)
16 drug-drug interactions; (7) drug-food interactions; (8)
17 drug-disease contraindications; (9) therapeutic duplication;
18 (10) patient laboratory values when authorized and available;
19 (11) proper utilization (including over or under utilization)
20 and optimum therapeutic outcomes; and (12) abuse and misuse.

21 (z) "Electronic transmission prescription" means any
22 prescription order for which a facsimile or electronic image of
23 the order is electronically transmitted from a licensed
24 prescriber to a pharmacy. "Electronic transmission
25 prescription" includes both data and image prescriptions.

26 (aa) "Medication therapy management services" means a

1 distinct service or group of services offered by licensed
2 pharmacists, physicians licensed to practice medicine in all
3 its branches, advanced practice nurses authorized in a written
4 agreement with a physician licensed to practice medicine in all
5 its branches, or physician assistants authorized in guidelines
6 by a supervising physician that optimize therapeutic outcomes
7 for individual patients through improved medication use. In a
8 retail or other non-hospital pharmacy, medication therapy
9 management services shall consist of the evaluation of
10 prescription drug orders and patient medication records to
11 resolve conflicts with the following:

- 12 (1) known allergies;
- 13 (2) drug or potential therapy contraindications;
- 14 (3) reasonable dose, duration of use, and route of
15 administration, taking into consideration factors such as
16 age, gender, and contraindications;
- 17 (4) reasonable directions for use;
- 18 (5) potential or actual adverse drug reactions;
- 19 (6) drug-drug interactions;
- 20 (7) drug-food interactions;
- 21 (8) drug-disease contraindications;
- 22 (9) identification of therapeutic duplication;
- 23 (10) patient laboratory values when authorized and
24 available;
- 25 (11) proper utilization (including over or under
26 utilization) and optimum therapeutic outcomes; and

1 (12) drug abuse and misuse.

2 "Medication therapy management services" includes the
3 following:

4 (1) documenting the services delivered and
5 communicating the information provided to patients'
6 prescribers within an appropriate time frame, not to exceed
7 48 hours;

8 (2) providing patient counseling designed to enhance a
9 patient's understanding and the appropriate use of his or
10 her medications; and

11 (3) providing information, support services, and
12 resources designed to enhance a patient's adherence with
13 his or her prescribed therapeutic regimens.

14 "Medication therapy management services" may also include
15 patient care functions authorized by a physician licensed to
16 practice medicine in all its branches for his or her identified
17 patient or groups of patients under specified conditions or
18 limitations in a standing order from the physician.

19 "Medication therapy management services" in a licensed
20 hospital may also include the following:

21 (1) reviewing assessments of the patient's health
22 status; and

23 (2) following protocols of a hospital pharmacy and
24 therapeutics committee with respect to the fulfillment of
25 medication orders.

26 (bb) "Pharmacist care" means the provision by a pharmacist

1 of medication therapy management services, with or without the
2 dispensing of drugs or devices, intended to achieve outcomes
3 that improve patient health, quality of life, and comfort and
4 enhance patient safety.

5 (cc) "Protected health information" means individually
6 identifiable health information that, except as otherwise
7 provided, is:

8 (1) transmitted by electronic media;

9 (2) maintained in any medium set forth in the
10 definition of "electronic media" in the federal Health
11 Insurance Portability and Accountability Act; or

12 (3) transmitted or maintained in any other form or
13 medium.

14 "Protected health information" does not include
15 individually identifiable health information found in:

16 (1) education records covered by the federal Family
17 Educational Right and Privacy Act; or

18 (2) employment records held by a licensee in its role
19 as an employer.

20 (dd) "Standing order" means a specific order for a patient
21 or group of patients issued by a physician licensed to practice
22 medicine in all its branches in Illinois.

23 (ee) "Address of record" means the address recorded by the
24 Department in the applicant's or licensee's application file or
25 license file, as maintained by the Department's licensure
26 maintenance unit.

1 (ff) "Home pharmacy" means the location of a pharmacy's
2 primary operations.

3 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
4 eff. 7-13-12; 97-1043, eff. 8-21-12; 98-104, eff. 7-22-13;
5 98-214, eff. 8-9-13; revised 9-24-13.)

6 Section 435. The Boxing and Full-contact Martial Arts Act
7 is amended by changing Section 8 as follows:

8 (225 ILCS 105/8) (from Ch. 111, par. 5008)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 8. Permits.

11 (a) A promoter who desires to obtain a permit to conduct a
12 professional or amateur contest, or a combination of both,
13 shall apply to the Department at least 20 days prior to the
14 event, in writing, on forms furnished by the Department. The
15 application shall be accompanied by the required fee and shall
16 contain, but not be limited to, the following information to be
17 submitted at times specified by rule:

18 (1) the legal names and addresses of the promoter;

19 (2) the name of the matchmaker;

20 (3) the time and exact location of the professional or
21 amateur contest, or a combination of both. It is the
22 responsibility of the promoter to ensure that the building
23 to be used for the event complies with all laws,
24 ordinances, and regulations in the city, town, village, or

1 county where the contest is to be held;

2 (4) proof of adequate security measures, as determined
3 by Department rule, to ensure the protection of the safety
4 of contestants and the general public while attending
5 professional or amateur contests, or a combination of both;

6 (5) proof of adequate medical supervision, as
7 determined by Department rule, to ensure the protection of
8 the health and safety of professionals' or amateurs' while
9 participating in the contest;

10 (6) the names of the professionals or amateurs
11 competing subject to Department approval;

12 (7) proof of insurance for not less than \$50,000 as
13 further defined by rule for each professional or amateur
14 participating in a professional or amateur contest, or a
15 combination of both; insurance required under this
16 paragraph (7) ~~(6)~~ shall cover (i) hospital, medication,
17 physician, and other such expenses as would accrue in the
18 treatment of an injury as a result of the professional or
19 amateur contest; (ii) payment to the estate of the
20 professional or amateur in the event of his or her death as
21 a result of his or her participation in the professional or
22 amateur contest; and (iii) accidental death and
23 dismemberment; the terms of the insurance coverage must not
24 require the contestant to pay a deductible. The promoter
25 may not carry an insurance policy with a deductible in an
26 amount greater than \$500 for the medical, surgical, or

1 hospital care for injuries a contestant sustains while
2 engaged in a contest, and if a licensed or registered
3 contestant pays for the medical, surgical, or hospital
4 care, the insurance proceeds must be paid to the contestant
5 or his or her beneficiaries as reimbursement for such
6 payment;

7 (8) the amount of the purses to be paid to the
8 professionals for the event; the Department shall adopt
9 rules for payment of the purses;

10 (9) organizational or internationally accepted rules,
11 per discipline, for professional or amateur full-contact
12 martial arts contests where the Department does not provide
13 the rules;

14 (10) proof of contract indicating the requisite
15 registration and sanctioning by a Department approved
16 sanctioning body for any full-contact martial arts contest
17 with scheduled amateur bouts; and

18 (11) any other information that the Department may
19 require to determine whether a permit shall be issued.

20 (b) The Department may issue a permit to any promoter who
21 meets the requirements of this Act and the rules. The permit
22 shall only be issued for a specific date and location of a
23 professional or amateur contest, or a combination of both, and
24 shall not be transferable. The Department may allow a promoter
25 to amend a permit application to hold a professional or amateur
26 contest, or a combination of both, in a different location

1 other than the application specifies and may allow the promoter
2 to substitute professionals or amateurs, respectively.

3 (c) The Department shall be responsible for assigning the
4 judges, timekeepers, referees, and physicians, for a
5 professional contest. Compensation shall be determined by the
6 Department, and it shall be the responsibility of the promoter
7 to pay the individuals utilized.

8 (Source: P.A. 96-663, eff. 8-25-09; 97-119, eff. 7-14-11;
9 revised 11-14-13.)

10 Section 440. The Sex Offender Evaluation and Treatment
11 Provider Act is amended by changing Sections 20 and 75 as
12 follows:

13 (225 ILCS 109/20)

14 Sec. 20. Sex Offender Evaluation and Treatment Provider
15 Licensing and Disciplinary Board.

16 (a) There is established within the Department the Sex
17 Offender Evaluation and Treatment Licensing and Disciplinary
18 Board to be appointed by the Secretary. The Board shall be
19 composed of 8 persons who shall serve in an advisory capacity
20 to the Secretary. The Board shall elect a chairperson and a
21 vice chairperson.

22 (b) In appointing members of the Board, the Secretary shall
23 give due consideration to recommendations by members of the
24 profession of sex offender evaluation and treatment.

1 (c) Three members of the Board shall be sex offender
2 evaluation or treatment providers, or both, who have been in
3 active practice for at least 5 years immediately preceding
4 their appointment. The appointees shall be licensed under this
5 Act.

6 (d) One member shall represent the Department of
7 Corrections.

8 (e) One member shall represent the Department of Human
9 Services.

10 (f) One member shall represent the Administrative Office of
11 the Illinois Courts representing the interests of probation
12 services.

13 (g) One member shall represent the Sex Offender Management
14 Board.

15 (h) One member shall be representative of the general
16 public who has no direct affiliation or work experience with
17 the practice of sex offender evaluation and treatment and who
18 clearly represents ~~represent~~ consumer interests.

19 (i) Board members shall be appointed for a term of 4 years,
20 except that any person chosen to fill a vacancy shall be
21 appointed only for the unexpired term of the Board member whom
22 he or she shall succeed. Upon the expiration of his or her term
23 of office, a Board member shall continue to serve until a
24 successor is appointed and qualified. No member shall be
25 reappointed to the Board for a term that would cause continuous
26 service on the Board to be longer than 8 years.

1 (j) The membership of the Board shall reasonably reflect
2 representation from the various geographic areas of the State.

3 (k) A member of the Board shall be immune from suit in any
4 action based upon any disciplinary proceedings or other
5 activities performed in good faith as a member of the Board.

6 (l) The Secretary may remove a member of the Board for any
7 cause that, in the opinion of the Secretary, reasonably
8 justifies termination.

9 (m) The Secretary may consider the recommendations of the
10 Board on questions of standards of professional conduct,
11 discipline, and qualification of candidates or licensees under
12 this Act.

13 (n) The members of the Board shall be reimbursed for all
14 legitimate, necessary, and authorized expenses.

15 (o) A majority of the Board members currently appointed
16 shall constitute a quorum. A vacancy in the membership of the
17 Board shall not impair the right of a quorum to exercise all
18 the rights and perform all the duties of the Board.

19 (Source: P.A. 97-1098, eff. 7-1-13; revised 11-14-13.)

20 (225 ILCS 109/75)

21 Sec. 75. Refusal, revocation, or suspension.

22 (a) The Department may refuse to issue or renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary or nondisciplinary action, as the Department
25 considers appropriate, including the imposition of fines not to

1 exceed \$10,000 for each violation, with regard to any license
2 or licensee for any one or more of the following:

3 (1) violations of this Act or of the rules adopted
4 under this Act;

5 (2) discipline by the Department under other state law
6 and rules which the licensee is subject to;

7 (3) conviction by plea of guilty or nolo contendere,
8 finding of guilt, jury verdict, or entry of judgment or by
9 sentencing for any crime, including, but not limited to,
10 convictions, preceding sentences of supervision,
11 conditional discharge, or first offender probation, under
12 the laws of any jurisdiction of the United States: (i) that
13 is a felony; or (ii) that is a misdemeanor, an essential
14 element of which is dishonesty, or that is directly related
15 to the practice of the profession;

16 (4) professional incompetence;

17 (5) advertising in a false, deceptive, or misleading
18 manner;

19 (6) aiding, abetting, assisting, procuring, advising,
20 employing, or contracting with any unlicensed person to
21 provide sex offender evaluation or treatment services
22 contrary to any rules or provisions of this Act;

23 (7) engaging in immoral conduct in the commission of
24 any act, such as sexual abuse, sexual misconduct, or sexual
25 exploitation, related to the licensee's practice;

26 (8) engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud, or harm the public;

3 (9) practicing or offering to practice beyond the scope
4 permitted by law or accepting and performing professional
5 responsibilities which the licensee knows or has reason to
6 know that he or she is not competent to perform;

7 (10) knowingly delegating professional
8 responsibilities to a person unqualified by training,
9 experience, or licensure to perform;

10 (11) failing to provide information in response to a
11 written request made by the Department within 60 days;

12 (12) having a habitual or excessive use of or addiction
13 to alcohol, narcotics, stimulants, or any other chemical
14 agent or drug which results in the inability to practice
15 with reasonable judgment, skill, or safety;

16 (13) having a pattern of practice or other behavior
17 that demonstrates incapacity or incompetence to practice
18 under this Act;

19 (14) discipline by another state, District of
20 Columbia, territory, or foreign nation, if at least one of
21 the grounds for the discipline is the same or substantially
22 equivalent to those set forth in this Section;

23 (15) a finding by the Department that the licensee,
24 after having his or her license placed on probationary
25 status, has violated the terms of probation;

26 (16) willfully making or filing false records or

1 reports in his or her practice, including, but not limited
2 to, false records filed with State agencies or departments;

3 (17) making a material misstatement in furnishing
4 information to the Department or otherwise making
5 misleading, deceptive, untrue, or fraudulent
6 representations in violation of this Act or otherwise in
7 the practice of the profession;

8 (18) fraud or misrepresentation in applying for or
9 procuring a license under this Act or in connection with
10 applying for renewal of a license under this Act;

11 (19) inability to practice the profession with
12 reasonable judgment, skill, or safety as a result of
13 physical illness, including, but not limited to,
14 deterioration through the aging process, loss of motor
15 skill, or a mental illness or disability;

16 (20) charging for professional services not rendered,
17 including filing false statements for the collection of
18 fees for which services are not rendered; or

19 (21) practicing under a false or, except as provided by
20 law, an assumed name.

21 All fines shall be paid within 60 days of the effective
22 date of the order imposing the fine.

23 (b) The Department may refuse to issue or may suspend the
24 license of any person who fails to file a tax return, to pay
25 the tax, penalty, or interest shown in a filed tax return, or
26 to pay any final assessment of tax, penalty, or interest, as

1 required by any tax Act administered by the Illinois Department
2 of Revenue, until such time as the requirements of the tax Act
3 are satisfied in accordance with subsection (g) of Section
4 2105-15 of the Civil Administrative Code of Illinois.

5 (c) The Department shall deny a license or renewal
6 authorized by this Act to a person who has defaulted on an
7 educational loan or scholarship provided or guaranteed by the
8 Illinois Student Assistance Commission or any governmental
9 agency of this State in accordance with item (5) of subsection
10 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of
11 Illinois.

12 (d) In cases where the Department of Healthcare and Family
13 Services has previously determined that a licensee or a
14 potential licensee is more than 30 days delinquent in the
15 payment of child support and has subsequently certified the
16 delinquency to the Department, the Department may refuse to
17 issue or renew or may revoke or suspend that person's license
18 or may take other disciplinary action against that person based
19 solely upon the certification of delinquency made by the
20 Department of Healthcare and Family Services in accordance with
21 item (5) of subsection (a) ~~(g)~~ of Section 2105-15 of the Civil
22 Administrative Code of Illinois.

23 (e) The determination by a circuit court that a licensee is
24 subject to involuntary admission or judicial admission, as
25 provided in the Mental Health and Developmental Disabilities
26 Code, operates as an automatic suspension. The suspension will

1 end only upon a finding by a court that the patient is no
2 longer subject to involuntary admission or judicial admission
3 and the issuance of a court order so finding and discharging
4 the patient.

5 (f) In enforcing this Act, the Department or Board, upon a
6 showing of a possible violation, may compel an individual
7 licensed to practice under this Act, or who has applied for
8 licensure under this Act, to submit to a mental or physical
9 examination, or both, as required by and at the expense of the
10 Department. The Department or Board may order the examining
11 physician to present testimony concerning the mental or
12 physical examination of the licensee or applicant. No
13 information shall be excluded by reason of any common law or
14 statutory privilege relating to communications between the
15 licensee or applicant and the examining physician. The
16 examining physician shall be specifically designated by the
17 Board or Department. The individual to be examined may have, at
18 his or her own expense, another physician of his or her choice
19 present during all aspects of this examination. The examination
20 shall be performed by a physician licensed to practice medicine
21 in all its branches. Failure of an individual to submit to a
22 mental or physical examination, when directed, shall result in
23 an automatic suspension without hearing.

24 A person holding a license under this Act or who has
25 applied for a license under this Act who, because of a physical
26 or mental illness or disability, including, but not limited to,

1 deterioration through the aging process or loss of motor skill,
2 is unable to practice the profession with reasonable judgment,
3 skill, or safety, may be required by the Department to submit
4 to care, counseling, or treatment by physicians approved or
5 designated by the Department as a condition, term, or
6 restriction for continued, reinstated, or renewed licensure to
7 practice. Submission to care, counseling, or treatment as
8 required by the Department shall not be considered discipline
9 of a license. If the licensee refuses to enter into a care,
10 counseling, or treatment agreement or fails to abide by the
11 terms of the agreement, the Department may file a complaint to
12 revoke, suspend, or otherwise discipline the license of the
13 individual. The Secretary may order the license suspended
14 immediately, pending a hearing by the Department. Fines shall
15 not be assessed in disciplinary actions involving physical or
16 mental illness or impairment.

17 In instances in which the Secretary immediately suspends a
18 person's license under this Section, a hearing on that person's
19 license must be convened by the Department within 15 days after
20 the suspension and completed without appreciable delay. The
21 Department and Board shall have the authority to review the
22 subject individual's record of treatment and counseling
23 regarding the impairment to the extent permitted by applicable
24 federal statutes and regulations safeguarding the
25 confidentiality of medical records.

26 An individual licensed under this Act and subject to action

1 under this Section shall be afforded an opportunity to
2 demonstrate to the Department or Board that he or she can
3 resume practice in compliance with acceptable and prevailing
4 standards under the provisions of his or her license.

5 (Source: P.A. 97-1098, eff. 7-1-13; revised 11-14-13.)

6 Section 445. The Perfusionist Practice Act is amended by
7 changing Section 105 as follows:

8 (225 ILCS 125/105)

9 (Section scheduled to be repealed on January 1, 2020)

10 Sec. 105. Disciplinary actions.

11 (a) The Department may refuse to issue, renew, or restore a
12 license, or may revoke or suspend a license, or may place on
13 probation, reprimand, or take other disciplinary or
14 non-disciplinary action with regard to a person licensed under
15 this Act, including but not limited to the imposition of fines
16 not to exceed \$10,000 for each violation, for one or any
17 combination of the following causes:

18 (1) Making a material misstatement in furnishing
19 information to the Department.

20 (2) Violation of this Act or any rule promulgated under
21 this Act.

22 (3) Conviction of, or entry of a plea of guilty or nolo
23 contendere to, any crime that is a felony under the laws of
24 the United States or any state or territory thereof, or any

1 crime that is a misdemeanor of which an essential element
2 is dishonesty, or any crime that is directly related to the
3 practice as a perfusionist.

4 (4) Making a misrepresentation for the purpose of
5 obtaining, renewing, or restoring a license.

6 (5) Aiding or assisting another person in violating a
7 provision of this Act or its rules.

8 (6) Failing to provide information within 60 days in
9 response to a written request made by the Department.

10 (7) Engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public, as defined by rule of the
13 Department.

14 (8) Discipline by another state, the District of
15 Columbia, or territory, or a foreign nation, if at least
16 one of the grounds for discipline is the same or
17 substantially equivalent to those set forth in this
18 Section.

19 (9) Directly or indirectly giving to or receiving from
20 a person, firm, corporation, partnership, or association a
21 fee, commission, rebate, or other form of compensation for
22 professional services not actually or personally rendered.
23 Nothing in this paragraph (9) affects any bona fide
24 independent contractor or employment arrangements among
25 health care professionals, health facilities, health care
26 providers, or other entities, except as otherwise

1 prohibited by law. Any employment arrangements may include
2 provisions for compensation, health insurance, pension, or
3 other employment benefits for the provision of services
4 within the scope of the licensee's practice under this Act.
5 Nothing in this paragraph (9) shall be construed to require
6 an employment arrangement to receive professional fees for
7 services rendered.

8 (10) A finding by the Board that the licensee, after
9 having his or her license placed on probationary status,
10 has violated the terms of probation.

11 (11) Wilfully making or filing false records or reports
12 in his or her practice, including but not limited to false
13 records or reports filed with State agencies or
14 departments.

15 (12) Wilfully making or signing a false statement,
16 certificate, or affidavit to induce payment.

17 (13) Wilfully failing to report an instance of
18 suspected child abuse or neglect as required under the
19 Abused and Neglected Child Reporting Act.

20 (14) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act and upon
23 proof by clear and convincing evidence that the licensee
24 has caused a child to be an abused child or neglected child
25 as defined in the Abused and Neglected Child Reporting Act.

26 (15) Employment of fraud, deception, or any unlawful

1 means in applying for or securing a license as a
2 perfusionist.

3 (16) Allowing another person to use his or her license
4 to practice.

5 (17) Failure to report to the Department (A) any
6 adverse final action taken against the licensee by another
7 licensing jurisdiction, government agency, law enforcement
8 agency, or any court or (B) liability for conduct that
9 would constitute grounds for action as set forth in this
10 Section.

11 (18) Inability to practice the profession with
12 reasonable judgment, skill or safety as a result of a
13 physical illness, including but not limited to
14 deterioration through the aging process or loss of motor
15 skill, or a mental illness or disability.

16 (19) Inability to practice the profession for which he
17 or she is licensed with reasonable judgment, skill, or
18 safety as a result of habitual or excessive use or
19 addiction to alcohol, narcotics, stimulants, or any other
20 chemical agent or drug.

21 (20) Gross malpractice.

22 (21) Immoral conduct in the commission of an act
23 related to the licensee's practice, including but not
24 limited to sexual abuse, sexual misconduct, or sexual
25 exploitation.

26 (22) Violation of the Health Care Worker Self-Referral

1 Act.

2 (23) Solicitation of business or professional
3 services, other than permitted advertising.

4 (24) Conviction of or cash compromise of a charge or
5 violation of the Illinois Controlled Substances Act.

6 (25) Gross, willful, or continued overcharging for
7 professional services, including filing false statements
8 for collection of fees for which services are not rendered.

9 (26) Practicing under a false name or, except as
10 allowed by law, an assumed name.

11 (27) Violating any provision of this Act or the rules
12 promulgated under this Act, including, but not limited to,
13 advertising.

14 (b) A licensee or applicant who, because of a physical or
15 mental illness or disability, including, but not limited to,
16 deterioration through the aging process or loss of motor skill,
17 is unable to practice the profession with reasonable judgment,
18 skill, or safety, may be required by the Department to submit
19 to care, counseling or treatment by physicians approved or
20 designated by the Department, as a condition, term, or
21 restriction for continued, reinstated, or renewed licensure to
22 practice. Submission to care, counseling or treatment as
23 required by the Department shall not be considered discipline
24 of the licensee. If the licensee refuses to enter into a care,
25 counseling or treatment agreement or fails to abide by the
26 terms of the agreement the Department may file a complaint to

1 suspend or revoke the license or otherwise discipline the
2 licensee. The Secretary may order the license suspended
3 immediately, pending a hearing by the Department. Fines shall
4 not be assessed in the disciplinary actions involving physical
5 or mental illness or impairment.

6 (b-5) The Department may refuse to issue or may suspend,
7 without a hearing as provided for in the Civil Administrative
8 Code of Illinois, the license of a person who fails to file a
9 return, to pay the tax, penalty, or interest shown in a filed
10 return, or to pay any final assessment of tax, penalty, or
11 interest as required by any tax Act administered by the
12 Department of Revenue, until such time as the requirements of
13 the tax Act are satisfied in accordance with subsection (g) of
14 Section 2105-15 ~~15~~ of the Department of Professional Regulation
15 Law of the Civil Administrative Code of Illinois (20 ILCS
16 2105/2105-15).

17 (c) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission as
19 provided in the Mental Health and Developmental Disabilities
20 Code, as amended, operates as an automatic suspension. The
21 suspension will end only upon a finding by a court that the
22 licensee is no longer subject to the involuntary admission or
23 judicial admission and issues an order so finding and
24 discharging the licensee; and upon the recommendation of the
25 Board to the Secretary that the licensee be allowed to resume
26 his or her practice.

1 (d) In enforcing this Section, the Department or Board,
2 upon a showing of a possible violation, may order a licensee or
3 applicant to submit to a mental or physical examination, or
4 both, at the expense of the Department. The Department or Board
5 may order the examining physician to present testimony
6 concerning his or her examination of the licensee or applicant.
7 No information shall be excluded by reason of any common law or
8 statutory privilege relating to communications between the
9 licensee or applicant and the examining physician. The
10 examining physicians shall be specifically designated by the
11 Board or Department. The licensee or applicant may have, at his
12 or her own expense, another physician of his or her choice
13 present during all aspects of the examination. Failure of a
14 licensee or applicant to submit to any such examination when
15 directed, without reasonable cause as defined by rule, shall be
16 grounds for either the immediate suspension of his or her
17 license or immediate denial of his or her application.

18 If the Secretary immediately suspends the license of a
19 licensee for his or her failure to submit to a mental or
20 physical examination when directed, a hearing must be convened
21 by the Department within 15 days after the suspension and
22 completed without appreciable delay.

23 If the Secretary otherwise suspends a license pursuant to
24 the results of the licensee's mental or physical examination, a
25 hearing must be convened by the Department within 15 days after
26 the suspension and completed without appreciable delay. The

1 Department and Board shall have the authority to review the
2 licensee's record of treatment and counseling regarding the
3 relevant impairment or impairments to the extent permitted by
4 applicable federal statutes and regulations safeguarding the
5 confidentiality of medical records.

6 Any licensee suspended or otherwise affected under this
7 subsection (d) shall be afforded an opportunity to demonstrate
8 to the Department or Board that he or she can resume practice
9 in compliance with the acceptable and prevailing standards
10 under the provisions of his or her license.

11 (Source: P.A. 96-682, eff. 8-25-09; 96-1482, eff. 11-29-10;
12 revised 11-14-13.)

13 Section 450. The Registered Surgical Assistant and
14 Registered Surgical Technologist Title Protection Act is
15 amended by changing Section 10 as follows:

16 (225 ILCS 130/10)

17 (Section scheduled to be repealed on January 1, 2024)

18 Sec. 10. Definitions. As used in this Act:

19 "Address of record" means the designated address recorded
20 by the Department in the applicant's or registrant's
21 application file or registration file as maintained by the
22 Department's licensure maintenance unit. It is the duty of the
23 applicant or registrant to inform the Department of any change
24 of address and those changes must be made either through the

1 Department's website or by contacting the Department.

2 "Department" means the Department of Financial and
3 Professional Regulation.

4 "Direct supervision" means supervision by a licensed
5 physician, licensed podiatric physician, or licensed dentist
6 who is physically present and who personally directs delegated
7 acts and remains available to personally respond to an
8 emergency until the patient is released from the operating
9 room. A registered professional nurse may also provide direct
10 supervision within the scope of his or her license. A
11 registered surgical assistant or registered surgical
12 technologist shall perform duties as assigned.

13 "Physician" means a person licensed to practice medicine in
14 all of its branches under the Medical Practice Act of 1987.

15 "Registered surgical assistant" means a person who (i) is
16 not licensed to practice medicine in all of its branches, (ii)
17 is certified by the National Surgical Assistant Association as
18 a Certified Surgical Assistant, the National Board of Surgical
19 Technology and Surgical Assisting as a Certified Surgical First
20 Assistant, or the American Board of Surgical Assistants as a
21 Surgical Assistant-Certified, (iii) performs duties under
22 direct supervision, (iv) provides services only in a licensed
23 hospital, ambulatory treatment center, or office of a physician
24 licensed to practice medicine in all its branches, and (v) is
25 registered under this Act.

26 "Registered surgical technologist" means a person who (i)

1 is not a physician licensed to practice medicine in all of its
2 branches, (ii) is certified by the National Board for Surgical
3 Technology and Surgical Assisting, (iii) performs duties under
4 direct supervision, (iv) provides services only in a licensed
5 hospital, ambulatory treatment center, or office of a physician
6 licensed to practice medicine in all its branches, and (v) is
7 registered under this Act.

8 "Secretary" means the Secretary of Financial and
9 Professional Regulation.

10 (Source: P.A. 98-214, eff. 8-9-13; 98-364, eff. 12-31-13;
11 revised 9-24-13.)

12 Section 455. The Illinois Architecture Practice Act of 1989
13 is amended by changing Section 22 as follows:

14 (225 ILCS 305/22) (from Ch. 111, par. 1322)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 22. Refusal, suspension and revocation of licenses;
17 Causes.

18 (a) The Department may, singularly or in combination,
19 refuse to issue, renew or restore, or may suspend, revoke,
20 place on probation, or take other disciplinary or
21 non-disciplinary action as deemed appropriate, including, but
22 not limited to, the imposition of fines not to exceed \$10,000
23 for each violation, as the Department may deem proper, with
24 regard to a license for any one or combination of the following

1 causes:

2 (1) material misstatement in furnishing information to
3 the Department;

4 (2) negligence, incompetence or misconduct in the
5 practice of architecture;

6 (3) failure to comply with any of the provisions of
7 this Act or any of the rules;

8 (4) making any misrepresentation for the purpose of
9 obtaining licensure;

10 (5) purposefully making false statements or signing
11 false statements, certificates or affidavits to induce
12 payment;

13 (6) conviction of or plea of guilty or nolo contendere
14 to any crime that is a felony under the laws of the United
15 States or any state or territory thereof or that is a
16 misdemeanor, an essential element of which is dishonesty,
17 or any crime that is directly related to the practice of
18 the profession of architecture;

19 (7) aiding or assisting another person in violating any
20 provision of this Act or its rules;

21 (8) signing, affixing the architect's seal or
22 permitting the architect's seal to be affixed to any
23 technical submission not prepared by the architect or under
24 that architect's responsible control;

25 (9) engaging in dishonorable, unethical or
26 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public;

2 (10) habitual or excessive use or addiction to alcohol,
3 narcotics, stimulants, or any other chemical agent or drug
4 that results in the inability to practice with reasonable
5 judgment, skill, or safety;

6 (11) making a statement of compliance pursuant to the
7 Environmental Barriers Act that technical submissions
8 prepared by the architect or prepared under the architect's
9 responsible control for construction or alteration of an
10 occupancy required to be in compliance with the
11 Environmental Barriers Act are in compliance with the
12 Environmental Barriers Act when such technical submissions
13 are not in compliance;

14 (12) a finding by the Board that an applicant or
15 registrant has failed to pay a fine imposed by the
16 Department or a registrant, whose license has been placed
17 on probationary status, has violated the terms of
18 probation;

19 (13) discipline by another state, territory, foreign
20 country, the District of Columbia, the United States
21 government, or any other governmental agency, if at least
22 one of the grounds for discipline is the same or
23 substantially equivalent to those set forth herein;

24 (14) failure to provide information in response to a
25 written request made by the Department within 30 days after
26 the receipt of such written request;

1 (15) physical illness, including, but not limited to,
2 deterioration through the aging process or loss of motor
3 skill, mental illness, or disability which results in the
4 inability to practice the profession with reasonable
5 judgment, skill, and safety, including without limitation
6 deterioration through the aging process, mental illness,
7 or disability.

8 (a-5) In enforcing this Section, the Department or Board,
9 upon a showing of a possible violation, may order a licensee or
10 applicant to submit to a mental or physical examination, or
11 both, at the expense of the Department. The Department or Board
12 may order the examining physician to present testimony
13 concerning his or her examination of the licensee or applicant.
14 No information shall be excluded by reason of any common law or
15 statutory privilege relating to communications between the
16 licensee or applicant and the examining physician. The
17 examining physicians shall be specifically designated by the
18 Board or Department. The licensee or applicant may have, at his
19 or her own expense, another physician of his or her choice
20 present during all aspects of the examination. Failure of a
21 licensee or applicant to submit to any such examination when
22 directed, without reasonable cause as defined by rule, shall be
23 grounds for either the immediate suspension of his or her
24 license or immediate denial of his or her application.

25 If the Secretary immediately suspends the license of a
26 licensee for his or her failure to submit to a mental or

1 physical examination when directed, a hearing must be convened
2 by the Department within 15 days after the suspension and
3 completed without appreciable delay.

4 If the Secretary otherwise suspends a license pursuant to
5 the results of the licensee's mental or physical examination, a
6 hearing must be convened by the Department within 15 days after
7 the suspension and completed without appreciable delay. The
8 Department and Board shall have the authority to review the
9 licensee's record of treatment and counseling regarding the
10 relevant impairment or impairments to the extent permitted by
11 applicable federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 Any licensee suspended under this subsection (a-5) shall be
14 afforded an opportunity to demonstrate to the Department or
15 Board that he or she can resume practice in compliance with the
16 acceptable and prevailing standards under the provisions of his
17 or her license.

18 (b) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission, as
20 provided in the Mental Health and Developmental Disabilities
21 Code, operates as an automatic suspension. Such suspension will
22 end only upon a finding by a court that the patient is no
23 longer subject to involuntary admission or judicial admission,
24 the issuance of an order so finding and discharging the
25 patient, and the recommendation of the Board to the Secretary
26 that the licensee be allowed to resume practice.

1 (c) The Department shall deny a license or renewal
2 authorized by this Act to a person who has defaulted on an
3 educational loan or scholarship provided or guaranteed by the
4 Illinois Student Assistance Commission or any governmental
5 agency of this State in accordance with subdivision (a)(5) of
6 Section 2105-15 ~~15~~ of the Department of Professional Regulation
7 Law of the Civil Administrative Code of Illinois.

8 (d) In cases where the Department of Healthcare and Family
9 Services (formerly the Department of Public Aid) has previously
10 determined that a licensee or a potential licensee is more than
11 30 days delinquent in the payment of child support and has
12 subsequently certified the delinquency to the Department, the
13 Department shall refuse to issue or renew or shall revoke or
14 suspend that person's license or shall take other disciplinary
15 action against that person based solely upon the certification
16 of delinquency made by the Department of Healthcare and Family
17 Services in accordance with subdivision (a)(5) of Section
18 2105-15 ~~15~~ of the Department of Professional Regulation Law of
19 the Civil Administrative Code of Illinois.

20 (e) The Department shall deny a license or renewal
21 authorized by this Act to a person who has failed to file a
22 return, to pay the tax, penalty, or interest shown in a filed
23 return, or to pay any final assessment of tax, penalty, or
24 interest as required by any tax Act administered by the
25 Department of Revenue, until such time as the requirements of
26 the tax Act are satisfied in accordance with subsection (g) of

1 Section 2105-15 ~~45~~ of the Department of Professional Regulation
2 Law of the Civil Administrative Code of Illinois.

3 (f) Persons who assist the Department as consultants or
4 expert witnesses in the investigation or prosecution of alleged
5 violations of the Act, licensure matters, restoration
6 proceedings, or criminal prosecutions, shall not be liable for
7 damages in any civil action or proceeding as a result of such
8 assistance, except upon proof of actual malice. The attorney
9 general shall defend such persons in any such action or
10 proceeding.

11 (Source: P.A. 96-610, eff. 8-24-09; revised 11-14-13.)

12 Section 460. The Professional Engineering Practice Act of
13 1989 is amended by changing Sections 24 and 46 as follows:

14 (225 ILCS 325/24) (from Ch. 111, par. 5224)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 24. Rules of professional conduct; disciplinary or
17 administrative action.

18 (a) The Department shall adopt rules setting standards of
19 professional conduct and establish appropriate penalties
20 ~~penalty~~ for the breach of such rules.

21 (a-1) The Department may, singularly or in combination,
22 refuse to issue, renew, or restore a license or may revoke,
23 suspend, place on probation, reprimand, or take other
24 disciplinary or non-disciplinary action with regard to a person

1 licensed under this Act, including but not limited to, the
2 imposition of a fine not to exceed \$10,000 per violation upon
3 any person, corporation, partnership, or professional design
4 firm licensed or registered under this Act, for any one or
5 combination of the following causes:

6 (1) Material misstatement in furnishing information to
7 the Department.

8 (2) Violations of this Act or any of its rules.

9 (3) Conviction of or entry of a plea of guilty or nolo
10 contendere to any crime that is a felony under the laws of
11 the United States or any state or territory thereof, or
12 that is a misdemeanor, an essential element of which is
13 dishonesty, or any crime that is directly related to the
14 practice of engineering.

15 (4) Making any misrepresentation for the purpose of
16 obtaining, renewing, or restoring a license or violating
17 any provision of this Act or the rules promulgated under
18 this Act pertaining to advertising.

19 (5) Willfully making or signing a false statement,
20 certificate, or affidavit to induce payment.

21 (6) Negligence, incompetence or misconduct in the
22 practice of professional engineering as a licensed
23 professional engineer or in working as an engineer intern.

24 (7) Aiding or assisting another person in violating any
25 provision of this Act or its rules.

26 (8) Failing to provide information in response to a

1 written request made by the Department within 30 days after
2 receipt of such written request.

3 (9) Engaging in dishonorable, unethical or
4 unprofessional conduct of a character likely to deceive,
5 defraud or harm the public.

6 (10) Inability to practice the profession with
7 reasonable judgment, skill, or safety as a result of a
8 physical illness, including, but not limited to,
9 deterioration through the aging process or loss of motor
10 skill, or mental illness or disability.

11 (11) Discipline by the United States Government,
12 another state, District of Columbia, territory, foreign
13 nation or government agency, if at least one of the grounds
14 for the discipline is the same or substantially equivalent
15 to those set forth in this Act.

16 (12) Directly or indirectly giving to or receiving from
17 any person, firm, corporation, partnership or association
18 any fee, commission, rebate or other form of compensation
19 for any professional services not actually or personally
20 rendered.

21 (13) A finding by the Department that an applicant or
22 registrant has failed to pay a fine imposed by the
23 Department, a registrant whose license has been placed on
24 probationary status has violated the terms of probation, or
25 a registrant has practiced on an expired, inactive,
26 suspended, or revoked license.

1 (14) Signing, affixing the professional engineer's
2 seal or permitting the professional engineer's seal to be
3 affixed to any technical submissions not prepared as
4 required by Section 14 or completely reviewed by the
5 professional engineer or under the professional engineer's
6 direct supervision.

7 (15) Inability to practice the profession with
8 reasonable judgment, skill or safety as a result of
9 habitual or excessive use or addiction to alcohol,
10 narcotics, stimulants, or any other chemical agent or drug.

11 (16) The making of a statement pursuant to the
12 Environmental Barriers Act that a plan for construction or
13 alteration of a public facility or for construction of a
14 multi-story housing unit is in compliance with the
15 Environmental Barriers Act when such plan is not in
16 compliance.

17 (17) (Blank).

18 (a-2) The Department shall deny a license or renewal
19 authorized by this Act to a person who has failed to file a
20 return, to pay the tax, penalty, or interest shown in a filed
21 return, or to pay any final assessment of tax, penalty, or
22 interest as required by any tax Act administered by the
23 Department of Revenue, until such time as the requirements of
24 the tax Act are satisfied in accordance with subsection (g) of
25 Section 2105-15 ~~15~~ of the Department of Professional Regulation
26 Law of the Civil Administrative Code of Illinois (20 ILCS

1 2105/2105-15).

2 (a-3) The Department shall deny a license or renewal
3 authorized by this Act to a person who has defaulted on an
4 educational loan or scholarship provided or guaranteed by the
5 Illinois Student Assistance Commission or any governmental
6 agency of this State in accordance with subdivision (a)(5) of
7 Section 2105-15 ~~15~~ of the Department of Professional Regulation
8 Law of the Civil Administrative Code of Illinois (20 ILCS
9 2105/2105-15).

10 (a-4) In cases where the Department of Healthcare and
11 Family Services (formerly the Department of Public Aid) has
12 previously determined that a licensee or a potential licensee
13 is more than 30 days delinquent in the payment of child support
14 and has subsequently certified the delinquency to the
15 Department, the Department shall refuse to issue or renew or
16 shall revoke or suspend that person's license or shall take
17 other disciplinary action against that person based solely upon
18 the certification of delinquency made by the Department of
19 Healthcare and Family Services in accordance with subdivision
20 (a)(5) of Section 2105-15 ~~15~~ of the Department of Professional
21 Regulation Law of the Civil Administrative Code of Illinois (20
22 ILCS 2105/2105-15).

23 (a-5) In enforcing this Section, the Department or Board,
24 upon a showing of a possible violation, may order a licensee or
25 applicant to submit to a mental or physical examination, or
26 both, at the expense of the Department. The Department or Board

1 may order the examining physician to present testimony
2 concerning his or her examination of the licensee or applicant.
3 No information shall be excluded by reason of any common law or
4 statutory privilege relating to communications between the
5 licensee or applicant and the examining physician. The
6 examining physicians shall be specifically designated by the
7 Board or Department. The licensee or applicant may have, at his
8 or her own expense, another physician of his or her choice
9 present during all aspects of the examination. Failure of a
10 licensee or applicant to submit to any such examination when
11 directed, without reasonable cause as defined by rule, shall be
12 grounds for either the immediate suspension of his or her
13 license or immediate denial of his or her application.

14 If the Secretary immediately suspends the license of a
15 licensee for his or her failure to submit to a mental or
16 physical examination when directed, a hearing must be convened
17 by the Department within 15 days after the suspension and
18 completed without appreciable delay.

19 If the Secretary otherwise suspends a license pursuant to
20 the results of the licensee's mental or physical examination, a
21 hearing must be convened by the Department within 15 days after
22 the suspension and completed without appreciable delay. The
23 Department and Board shall have the authority to review the
24 licensee's record of treatment and counseling regarding the
25 relevant impairment or impairments to the extent permitted by
26 applicable federal statutes and regulations safeguarding the

1 confidentiality of medical records.

2 Any licensee suspended under this subsection (a-5) shall be
3 afforded an opportunity to demonstrate to the Department or
4 Board that he or she can resume practice in compliance with the
5 acceptable and prevailing standards under the provisions of his
6 or her license.

7 (b) The determination by a circuit court that a registrant
8 is subject to involuntary admission or judicial admission as
9 provided in the Mental Health and Developmental Disabilities
10 Code, as now or hereafter amended, operates as an automatic
11 suspension. Such suspension will end only upon a finding by a
12 court that the patient is no longer subject to involuntary
13 admission or judicial admission, the issuance of an order so
14 finding and discharging the patient, and the recommendation of
15 the Board to the Director that the registrant be allowed to
16 resume practice.

17 (Source: P.A. 96-626, eff. 8-24-09; revised 11-13-13.)

18 (225 ILCS 325/46) (from Ch. 111, par. 5246)

19 (Section scheduled to be repealed on January 1, 2020)

20 Sec. 46. Home rule. The regulation and licensing of
21 professional engineers is an exclusive power and function of
22 the State. Pursuant to subsection (h) of Section 6 of Article
23 VII 7 of the Illinois Constitution, a home rule unit may not
24 regulate or license the occupation of professional engineer.
25 This section is a denial and limitation of home rule powers and

1 functions.

2 (Source: P.A. 86-667; revised 11-12-13.)

3 Section 465. The Illinois Professional Land Surveyor Act of
4 1989 is amended by changing Sections 27 and 47 as follows:

5 (225 ILCS 330/27) (from Ch. 111, par. 3277)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 27. Grounds for disciplinary action.

8 (a) The Department may refuse to issue or renew a license,
9 or may place on probation or administrative supervision,
10 suspend, or revoke any license, or may reprimand or take any
11 disciplinary or non-disciplinary action as the Department may
12 deem proper, including the imposition of fines not to exceed
13 \$10,000 per violation, upon any person, corporation,
14 partnership, or professional land surveying firm licensed or
15 registered under this Act for any of the following reasons:

16 (1) material misstatement in furnishing information to
17 the Department;

18 (2) violation, including, but not limited to, neglect
19 or intentional disregard, of this Act, or its rules;

20 (3) conviction of, or entry of a plea of guilty or nolo
21 contendere to, any crime that is a felony under the laws of
22 the United States or any state or territory thereof or that
23 is a misdemeanor of which an essential element is
24 dishonesty, or any crime that is directly related to the

1 practice of the profession;

2 (4) making any misrepresentation for the purpose of
3 obtaining a license, or in applying for restoration or
4 renewal, or the practice of any fraud or deceit in taking
5 any examination to qualify for licensure under this Act;

6 (5) purposefully making false statements or signing
7 false statements, certificates, or affidavits to induce
8 payment;

9 (6) proof of carelessness, incompetence, negligence,
10 or misconduct in practicing land surveying;

11 (7) aiding or assisting another person in violating any
12 provision of this Act or its rules;

13 (8) failing to provide information in response to a
14 written request made by the Department within 30 days after
15 receipt of such written request;

16 (9) engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public;

19 (10) inability to practice with reasonable judgment,
20 skill, or safety as a result of habitual or excessive use
21 of, or addiction to, alcohol, narcotics, stimulants or any
22 other chemical agent or drug;

23 (11) discipline by the United States government,
24 another state, District of Columbia, territory, foreign
25 nation or government agency if at least one of the grounds
26 for the discipline is the same or substantially equivalent

1 to those set forth in this Act;

2 (12) directly or indirectly giving to or receiving from
3 any person, firm, corporation, partnership, or association
4 any fee, commission, rebate, or other form of compensation
5 for any professional services not actually or personally
6 rendered;

7 (12.5) issuing a map or plat of survey where the fee
8 for professional services is contingent on a real estate
9 transaction closing;

10 (13) a finding by the Department that an applicant or
11 licensee has failed to pay a fine imposed by the Department
12 or a licensee whose license has been placed on probationary
13 status has violated the terms of probation;

14 (14) practicing on an expired, inactive, suspended, or
15 revoked license;

16 (15) signing, affixing the Professional Land
17 Surveyor's seal or permitting the Professional Land
18 Surveyor's seal to be affixed to any map or plat of survey
19 not prepared by the Professional Land Surveyor or under the
20 Professional Land Surveyor's direct supervision and
21 control;

22 (16) inability to practice the profession with
23 reasonable judgment, skill, or safety as a result of
24 physical illness, including, but not limited to,
25 deterioration through the aging process or loss of motor
26 skill or a mental illness or disability;

1 (17) (blank); or

2 (18) failure to adequately supervise or control land
3 surveying operations being performed by subordinates.

4 (a-5) In enforcing this Section, the Department or Board,
5 upon a showing of a possible violation, may compel a person
6 licensed to practice under this Act, or who has applied for
7 licensure or certification pursuant to this Act, to submit to a
8 mental or physical examination, or both, as required by and at
9 the expense of the Department. The Department or Board may
10 order the examining physician to present testimony concerning
11 the mental or physical examination of the licensee or
12 applicant. No information shall be excluded by reason of any
13 common law or statutory privilege relating to communications
14 between the licensee or applicant and the examining physician.
15 The examining physicians shall be specifically designated by
16 the Board or Department. The individual to be examined may
17 have, at his or her own expense, another physician of his or
18 her choice present during all aspects of the examination.
19 Failure of an individual to submit to a mental or physical
20 examination when directed shall be grounds for the immediate
21 suspension of his or her license until the individual submits
22 to the examination if the Department finds that the refusal to
23 submit to the examination was without reasonable cause as
24 defined by rule.

25 If the Secretary immediately suspends the license of a
26 licensee for his or her failure to submit to a mental or

1 physical examination when directed, a hearing must be convened
2 by the Department within 15 days after the suspension and
3 completed without appreciable delay.

4 If the Secretary otherwise suspends a person's license
5 pursuant to the results of a compelled mental or physical
6 examination, a hearing on that person's license must be
7 convened by the Department within 15 days after the suspension
8 and completed without appreciable delay. The Department and
9 Board shall have the authority to review the subject
10 individual's record of treatment and counseling regarding
11 impairment to the extent permitted by applicable federal
12 statutes and regulations safeguarding the confidentiality of
13 medical records.

14 Any licensee suspended under this subsection (a-5) shall be
15 afforded an opportunity to demonstrate to the Department or
16 Board that he or she can resume practice in compliance with the
17 acceptable and prevailing standards under the provisions of his
18 or her license.

19 (b) The determination by a circuit court that a licensee is
20 subject to involuntary admission or judicial admission as
21 provided in the Mental Health and Developmental Disabilities
22 Code, as now or hereafter amended, operates as an automatic
23 license suspension. Such suspension will end only upon a
24 finding by a court that the patient is no longer subject to
25 involuntary admission or judicial admission and the issuance of
26 an order so finding and discharging the patient and upon the

1 recommendation of the Board to the Director that the licensee
2 be allowed to resume his or her practice.

3 (c) The Department shall deny a license or renewal
4 authorized by this Act to a person who has defaulted on an
5 educational loan or scholarship provided or guaranteed by the
6 Illinois Student Assistance Commission or any governmental
7 agency of this State in accordance with subdivision (a)(5) of
8 Section 2105-15 ~~15~~ of the Department of Professional Regulation
9 Law of the Civil Administrative Code of Illinois (20 ILCS
10 2105/2105-15).

11 (d) In cases where the Department of Healthcare and Family
12 Services (formerly the Department of Public Aid) has previously
13 determined that a licensee or a potential licensee is more than
14 30 days delinquent in the payment of child support and has
15 subsequently certified the delinquency to the Department, the
16 Department shall refuse to issue or renew or shall revoke or
17 suspend that person's license or shall take other disciplinary
18 action against that person based solely upon the certification
19 of delinquency made by the Department of Healthcare and Family
20 Services in accordance with subdivision (a)(5) of Section
21 2105-15 ~~15~~ of the Department of Professional Regulation Law of
22 the Civil Administrative Code of Illinois (20 ILCS
23 2105/2105-15).

24 (e) The Department shall refuse to issue or renew or shall
25 revoke or suspend a person's license or shall take other
26 disciplinary action against that person for his or her failure

1 to file a return, to pay the tax, penalty, or interest shown in
2 a filed return, or to pay any final assessment of tax, penalty,
3 or interest as required by any tax Act administered by the
4 Department of Revenue, until such time as the requirements of
5 the tax Act are satisfied in accordance with subsection (g) of
6 Section 2105-15 ~~15~~ of the Department of Professional Regulation
7 Law of the Civil Administrative Code of Illinois (20 ILCS
8 2105/2105-15).

9 (Source: P.A. 96-626, eff. 8-24-09; revised 11-14-13.)

10 (225 ILCS 330/47) (from Ch. 111, par. 3297)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 47. Home rule. Pursuant to subsection (h) of Section 6
13 of Article VII ~~7~~ of the Illinois Constitution, a home rule unit
14 may not regulate the profession of land surveying in a manner
15 more restrictive than the regulation by the State of the
16 profession of land surveying as provided in this Act. This
17 Section is a limitation on the concurrent exercise by home rule
18 units of powers and functions exercised by the State.

19 (Source: P.A. 86-987; revised 11-14-13.)

20 Section 470. The Structural Engineering Practice Act of
21 1989 is amended by changing Sections 20 and 37 as follows:

22 (225 ILCS 340/20) (from Ch. 111, par. 6620)

23 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 20. Refusal; revocation; suspension.

2 (a) The Department may refuse to issue or renew, or may
3 revoke a license, or may suspend, place on probation, fine, or
4 take any disciplinary or non-disciplinary action as the
5 Department may deem proper, including a fine not to exceed
6 \$10,000 for each violation, with regard to any licensee for any
7 one or combination of the following reasons:

8 (1) Material misstatement in furnishing information to
9 the Department;

10 (2) Negligence, incompetence or misconduct in the
11 practice of structural engineering;

12 (3) Making any misrepresentation for the purpose of
13 obtaining licensure;

14 (4) The affixing of a licensed structural engineer's
15 seal to any plans, specifications or drawings which have
16 not been prepared by or under the immediate personal
17 supervision of that licensed structural engineer or
18 reviewed as provided in this Act;

19 (5) Conviction of, or entry of a plea of guilty or nolo
20 contendere to, any crime that is a felony under the laws of
21 the United States or of any state or territory thereof, or
22 that is a misdemeanor an essential element of which is
23 dishonesty, or any crime that is directly related to the
24 practice of the profession;

25 (6) Making a statement of compliance pursuant to the
26 Environmental Barriers Act, as now or hereafter amended,

1 that a plan for construction or alteration of a public
2 facility or for construction of a multi-story housing unit
3 is in compliance with the Environmental Barriers Act when
4 such plan is not in compliance;

5 (7) Failure to comply with any of the provisions of
6 this Act or its rules;

7 (8) Aiding or assisting another person in violating any
8 provision of this Act or its rules;

9 (9) Engaging in dishonorable, unethical or
10 unprofessional conduct of a character likely to deceive,
11 defraud or harm the public, as defined by rule;

12 (10) Habitual or excessive use or addiction to alcohol,
13 narcotics, stimulants, or any other chemical agent or drug
14 that results in the inability to practice with reasonable
15 judgment, skill, or safety;

16 (11) Failure of an applicant or licensee to pay a fine
17 imposed by the Department or a licensee whose license has
18 been placed on probationary status has violated the terms
19 of probation;

20 (12) Discipline by another state, territory, foreign
21 country, the District of Columbia, the United States
22 government, or any other governmental agency, if at least
23 one of the grounds for discipline is the same or
24 substantially equivalent to those set forth in this
25 Section;

26 (13) Failure to provide information in response to a

1 written request made by the Department within 30 days after
2 the receipt of such written request; or

3 (14) Physical illness, including but not limited to,
4 deterioration through the aging process or loss of motor
5 skill, mental illness, or disability which results in the
6 inability to practice the profession of structural
7 engineering with reasonable judgment, skill, or safety.

8 (a-5) In enforcing this Section, the Department or Board,
9 upon a showing of a possible violation, may order a licensee or
10 applicant to submit to a mental or physical examination, or
11 both, at the expense of the Department. The Department or Board
12 may order the examining physician to present testimony
13 concerning his or her examination of the licensee or applicant.
14 No information shall be excluded by reason of any common law or
15 statutory privilege relating to communications between the
16 licensee or applicant and the examining physician. The
17 examining physicians shall be specifically designated by the
18 Board or Department. The licensee or applicant may have, at his
19 or her own expense, another physician of his or her choice
20 present during all aspects of the examination. Failure of a
21 licensee or applicant to submit to any such examination when
22 directed, without reasonable cause as defined by rule, shall be
23 grounds for either the immediate suspension of his or her
24 license or immediate denial of his or her application.

25 If the Secretary immediately suspends the license of a
26 licensee for his or her failure to submit to a mental or

1 physical examination when directed, a hearing must be convened
2 by the Department within 15 days after the suspension and
3 completed without appreciable delay.

4 If the Secretary otherwise suspends a license pursuant to
5 the results of the licensee's mental or physical examination, a
6 hearing must be convened by the Department within 15 days after
7 the suspension and completed without appreciable delay. The
8 Department and Board shall have the authority to review the
9 licensee's record of treatment and counseling regarding the
10 relevant impairment or impairments to the extent permitted by
11 applicable federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 Any licensee suspended under this subsection (a-5) shall be
14 afforded an opportunity to demonstrate to the Department or
15 Board that he or she can resume practice in compliance with the
16 acceptable and prevailing standards under the provisions of his
17 or her license.

18 (b) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission, as
20 provided in the Mental Health and Developmental Disabilities
21 Code, operates as an automatic suspension. Such suspension will
22 end only upon a finding by a court that the patient is no
23 longer subject to involuntary admission or judicial admission,
24 the issuance of an order so finding and discharging the
25 patient, and the recommendation of the Board to the Secretary
26 that the licensee be allowed to resume practice.

1 (c) The Department shall deny a license or renewal
2 authorized by this Act to a person who has defaulted on an
3 educational loan or scholarship provided or guaranteed by the
4 Illinois Student Assistance Commission or any governmental
5 agency of this State in accordance with subdivision (a)(5) of
6 Section 2105-15 ~~15~~ of the Department of Professional Regulation
7 Law of the Civil Administrative Code of Illinois.

8 (d) In cases where the Department of Healthcare and Family
9 Services (formerly the Department of Public Aid) has previously
10 determined that a licensee or a potential licensee is more than
11 30 days delinquent in the payment of child support and has
12 subsequently certified the delinquency to the Department, the
13 Department shall refuse to issue or renew or shall revoke or
14 suspend that person's license or shall take other disciplinary
15 action against that person based solely upon the certification
16 of delinquency made by the Department of Healthcare and Family
17 Services in accordance with subdivision (a)(5) of Section
18 2105-15 ~~15~~ of the Department of Professional Regulation Law of
19 the Civil Administrative Code of Illinois.

20 (e) The Department shall deny a license or renewal
21 authorized by this Act to a person who has failed to file a
22 return, to pay the tax, penalty, or interest shown in a filed
23 return, or to pay any final assessment of tax, penalty, or
24 interest as required by any tax Act administered by the
25 Department of Revenue, until such time as the requirements of
26 the tax Act are satisfied in accordance with subsection (g) of

1 Section 2105-15 ~~45~~ of the Department of Professional Regulation
2 Law of the Civil Administrative Code of Illinois.

3 (f) Persons who assist the Department as consultants or
4 expert witnesses in the investigation or prosecution of alleged
5 violations of the Act, licensure matters, restoration
6 proceedings, or criminal prosecutions, are not liable for
7 damages in any civil action or proceeding as a result of such
8 assistance, except upon proof of actual malice. The Attorney
9 General of the State of Illinois shall defend such persons in
10 any such action or proceeding.

11 (Source: P.A. 96-610, eff. 8-24-09; revised 11-12-13.)

12 (225 ILCS 340/37) (from Ch. 111, par. 6637)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 37. Pursuant to subsection (i) of Section 6 of Article
15 VII ~~7~~ of the Illinois Constitution, a home rule unit may not
16 regulate the profession of structural engineering in a manner
17 more restrictive than the regulation by the State of the
18 profession of structural engineering as provided in this Act.
19 This Section is a limitation on the concurrent exercise by home
20 rule units of powers and functions exercised by the State.

21 (Source: P.A. 86-711; revised 11-14-13.)

22 Section 475. The Illinois Certified Shorthand Reporters
23 Act of 1984 is amended by changing Sections 23 and 23.2a as
24 follows:

1 (225 ILCS 415/23) (from Ch. 111, par. 6223)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 23. Grounds for disciplinary action.

4 (a) The Department may refuse to issue or renew, or may
5 revoke, suspend, place on probation, reprimand or take other
6 disciplinary or non-disciplinary action as the Department may
7 deem appropriate, including imposing fines not to exceed
8 \$10,000 for each violation and the assessment of costs as
9 provided for in Section 23.3 of this Act, with regard to any
10 license for any one or combination of the following:

11 (1) Material misstatement in furnishing information to
12 the Department;

13 (2) Violations of this Act, or of the rules promulgated
14 thereunder;

15 (3) Conviction by plea of guilty or nolo contendere,
16 finding of guilt, jury verdict, or entry of judgment or by
17 sentencing of any crime, including, but not limited to,
18 convictions, preceding sentences of supervision,
19 conditional discharge, or first offender probation under
20 the laws of any jurisdiction of the United States: (i) that
21 is a felony or (ii) that is a misdemeanor, an essential
22 element of which is dishonesty, or that is directly related
23 to the practice of the profession;

24 (4) Fraud or any misrepresentation in applying for or
25 procuring a license under this Act or in connection with

1 applying for renewal of a license under this Act;

2 (5) Professional incompetence;

3 (6) Aiding or assisting another person, firm,
4 partnership or corporation in violating any provision of
5 this Act or rules;

6 (7) Failing, within 60 days, to provide information in
7 response to a written request made by the Department;

8 (8) Engaging in dishonorable, unethical or
9 unprofessional conduct of a character likely to deceive,
10 defraud or harm the public;

11 (9) Habitual or excessive use or abuse of drugs defined
12 in law as controlled substances, alcohol, or any other
13 substances that results in the inability to practice with
14 reasonable judgment, skill, or safety;

15 (10) Discipline by another state, unit of government,
16 government agency, the District of Columbia, a territory,
17 or foreign nation, if at least one of the grounds for the
18 discipline is the same or substantially equivalent to those
19 set forth herein;

20 (11) Charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services were not rendered, or giving,
23 directly or indirectly, any gift or anything of value to
24 attorneys or their staff or any other persons or entities
25 associated with any litigation, that exceeds \$100 total per
26 year; for the purposes of this Section, pro bono services,

1 as defined by State law, are permissible in any amount;

2 (12) A finding by the Board that the certificate
3 holder, after having his certificate placed on
4 probationary status, has violated the terms of probation;

5 (13) Willfully making or filing false records or
6 reports in the practice of shorthand reporting, including
7 but not limited to false records filed with State agencies
8 or departments;

9 (14) Physical illness, including but not limited to,
10 deterioration through the aging process, or loss of motor
11 skill which results in the inability to practice under this
12 Act with reasonable judgment, skill or safety;

13 (15) Solicitation of professional services other than
14 by permitted advertising;

15 (16) Willful failure to take full and accurate
16 stenographic notes of any proceeding;

17 (17) Willful alteration of any stenographic notes
18 taken at any proceeding;

19 (18) Willful failure to accurately transcribe verbatim
20 any stenographic notes taken at any proceeding;

21 (19) Willful alteration of a transcript of
22 stenographic notes taken at any proceeding;

23 (20) Affixing one's signature to any transcript of his
24 stenographic notes or certifying to its correctness unless
25 the transcript has been prepared by him or under his
26 immediate supervision;

1 (21) Willful failure to systematically retain
2 stenographic notes or transcripts on paper or any
3 electronic media for 10 years from the date that the notes
4 or transcripts were taken;

5 (22) Failure to deliver transcripts in a timely manner
6 or in accordance with contractual agreements;

7 (23) Establishing contingent fees as a basis of
8 compensation;

9 (24) Mental illness or disability that results in the
10 inability to practice under this Act with reasonable
11 judgment, skill, or safety;

12 (25) Practicing under a false or assumed name, except
13 as provided by law;

14 (26) Cheating on or attempting to subvert the licensing
15 examination administered under this Act;

16 (27) Allowing one's license under this Act to be used
17 by an unlicensed person in violation of this Act.

18 All fines imposed under this Section shall be paid within
19 60 days after the effective date of the order imposing the fine
20 or in accordance with the terms set forth in the order imposing
21 the fine.

22 (b) The determination by a circuit court that a certificate
23 holder is subject to involuntary admission or judicial
24 admission as provided in the Mental Health and Developmental
25 Disabilities Code, operates as an automatic suspension. Such
26 suspension will end only upon a finding by a court that the

1 patient is no longer subject to involuntary admission or
2 judicial admission, an order by the court so finding and
3 discharging the patient. In any case where a license is
4 suspended under this Section, the licensee may file a petition
5 for restoration and shall include evidence acceptable to the
6 Department that the licensee can resume practice in compliance
7 with acceptable and prevailing standards of the profession.

8 (c) In cases where the Department of Healthcare and Family
9 Services has previously determined a licensee or a potential
10 licensee is more than 30 days delinquent in the payment of
11 child support and has subsequently certified the delinquency to
12 the Department, the Department may refuse to issue or renew or
13 may revoke or suspend that person's license or may take other
14 disciplinary action against that person based solely upon the
15 certification of delinquency made by the Department of
16 Healthcare and Family Services in accordance with item (5) of
17 subsection (a) ~~(g)~~ of Section 2105-15 ~~1205-15~~ of the Civil
18 Administrative Code of Illinois.

19 (d) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel any individual who
21 is certified under this Act or any individual who has applied
22 for certification under this Act to submit to a mental or
23 physical examination and evaluation, or both, which may include
24 a substance abuse or sexual offender evaluation, at the expense
25 of the Department. The Department shall specifically designate
26 the examining physician licensed to practice medicine in all of

1 its branches or, if applicable, the multidisciplinary team
2 involved in providing the mental or physical examination and
3 evaluation, or both. The multidisciplinary team shall be led by
4 a physician licensed to practice medicine in all of its
5 branches and may consist of one or more or a combination of
6 physicians licensed to practice medicine in all of its
7 branches, licensed chiropractic physicians, licensed clinical
8 psychologists, licensed clinical social workers, licensed
9 clinical professional counselors, and other professional and
10 administrative staff. Any examining physician or member of the
11 multidisciplinary team may require any person ordered to submit
12 to an examination and evaluation pursuant to this Section to
13 submit to any additional supplemental testing deemed necessary
14 to complete any examination or evaluation process, including,
15 but not limited to, blood testing, urinalysis, psychological
16 testing, or neuropsychological testing.

17 The Department may order the examining physician or any
18 member of the multidisciplinary team to provide to the
19 Department any and all records, including business records,
20 that relate to the examination and evaluation, including any
21 supplemental testing performed. The Department may order the
22 examining physician or any member of the multidisciplinary team
23 to present testimony concerning this examination and
24 evaluation of the certified shorthand reporter or applicant,
25 including testimony concerning any supplemental testing or
26 documents relating to the examination and evaluation. No

1 information, report, record, or other documents in any way
2 related to the examination and evaluation shall be excluded by
3 reason of any common law or statutory privilege relating to
4 communication between the licensee or applicant and the
5 examining physician or any member of the multidisciplinary
6 team. No authorization is necessary from the certified
7 shorthand reporter or applicant ordered to undergo an
8 evaluation and examination for the examining physician or any
9 member of the multidisciplinary team to provide information,
10 reports, records, or other documents or to provide any
11 testimony regarding the examination and evaluation. The
12 individual to be examined may have, at his or her own expense,
13 another physician of his or her choice present during all
14 aspects of the examination.

15 Failure of any individual to submit to mental or physical
16 examination and evaluation, or both, when directed, shall
17 result in an automatic suspension, without hearing, until such
18 time as the individual submits to the examination. If the
19 Department finds a certified shorthand reporter unable to
20 practice because of the reasons set forth in this Section, the
21 Department shall require the certified shorthand reporter to
22 submit to care, counseling, or treatment by physicians approved
23 or designated by the Department, as a condition for continued,
24 reinstated, or renewed certification.

25 When the Secretary immediately suspends a certificate
26 under this Section, a hearing upon the person's certificate

1 must be convened by the Department within 15 days after the
2 suspension and completed without appreciable delay. The
3 Department shall have the authority to review the certified
4 shorthand reporter's record of treatment and counseling
5 regarding the impairment, to the extent permitted by applicable
6 federal statutes and regulations safeguarding the
7 confidentiality of medical records.

8 Individuals certified under this Act, affected under this
9 Section, shall be afforded an opportunity to demonstrate to the
10 Department that they can resume practice in compliance with
11 acceptable and prevailing standards under the provisions of
12 their certification.

13 (e) The Department shall deny a license or renewal
14 authorized by this Act to a person who has defaulted on an
15 educational loan or scholarship provided or guaranteed by the
16 Illinois Student Assistance Commission or any governmental
17 agency of this State in accordance with item (5) of subsection
18 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of
19 Illinois.

20 (f) The Department may refuse to issue or may suspend
21 without hearing, as provided for in the Code of Civil
22 Procedure, the license of any person who fails to file a
23 return, to pay the tax, penalty, or interest shown in a filed
24 return, or to pay any final assessment of tax, penalty, or
25 interest as required by any tax Act administered by the
26 Illinois Department of Revenue, until such time as the

1 requirements of any such tax Act are satisfied in accordance
2 with subsection (g) of Section 2105-15 of the Civil
3 Administrative Code of Illinois.

4 (Source: P.A. 98-445, eff. 12-31-13; revised 11-14-13.)

5 (225 ILCS 415/23.2a)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 23.2a. Confidentiality. All information collected by
8 the Department in the course of an examination or investigation
9 of a licensee or applicant, including, but not limited to, any
10 complaint against a licensee filed with the Department and
11 information collected to investigate any such complaint, shall
12 be maintained for the confidential use of the Department and
13 shall not be disclosed. The Department may not disclose the
14 information to anyone other than law enforcement officials,
15 other regulatory agencies that have an appropriate regulatory
16 interest as determined by the Secretary, or ~~to~~ a party
17 presenting a lawful subpoena to the Department. Information and
18 documents disclosed to a federal, State, county, or local law
19 enforcement agency shall not be disclosed by the agency for any
20 purpose to any other agency or person. A formal complaint filed
21 against a licensee by the Department or any order issued by the
22 Department against a licensee or applicant shall be a public
23 record, except as otherwise prohibited by law.

24 (Source: P.A. 98-445, eff. 12-31-13; revised 11-12-13.)

1 Section 480. The Community Association Manager Licensing
2 and Disciplinary Act is amended by changing Section 85 as
3 follows:

4 (225 ILCS 427/85)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 85. Grounds for discipline; refusal, revocation, or
7 suspension.

8 (a) The Department may refuse to issue or renew a license,
9 or may place on probation, reprimand, suspend, or revoke any
10 license, or take any other disciplinary or non-disciplinary
11 action as the Department may deem proper and impose a fine not
12 to exceed \$10,000 for each violation upon any licensee or
13 applicant under this Act or any person or entity who holds
14 himself, herself, or itself out as an applicant or licensee for
15 any one or combination of the following causes:

16 (1) Material misstatement in furnishing information to
17 the Department.

18 (2) Violations of this Act or its rules.

19 (3) Conviction of or entry of a plea of guilty or plea
20 of nolo contendere to a felony or a misdemeanor under the
21 laws of the United States, any state, or any other
22 jurisdiction or entry of an administrative sanction by a
23 government agency in this State or any other jurisdiction.
24 Action taken under this paragraph (3) for a misdemeanor or
25 an administrative sanction is limited to a misdemeanor or

1 administrative sanction that has as an essential element
2 dishonesty or fraud, that involves larceny, embezzlement,
3 or obtaining money, property, or credit by false pretenses
4 or by means of a confidence game, or that is directly
5 related to the practice of the profession.

6 (4) Making any misrepresentation for the purpose of
7 obtaining a license or violating any provision of this Act
8 or its rules.

9 (5) Professional incompetence.

10 (6) Gross negligence.

11 (7) Aiding or assisting another person in violating any
12 provision of this Act or its rules.

13 (8) Failing, within 30 days, to provide information in
14 response to a request made by the Department.

15 (9) Engaging in dishonorable, unethical, or
16 unprofessional conduct of a character likely to deceive,
17 defraud or harm the public as defined by the rules of the
18 Department, or violating the rules of professional conduct
19 adopted by the Department.

20 (10) Habitual or excessive use or addiction to alcohol,
21 narcotics, stimulants, or any other chemical agent or drug
22 that results in the inability to practice with reasonable
23 judgment, skill, or safety.

24 (11) Having been disciplined by another state, the
25 District of Columbia, a territory, a foreign nation, or a
26 governmental agency authorized to impose discipline if at

1 least one of the grounds for the discipline is the same or
2 substantially equivalent of one of the grounds for which a
3 licensee may be disciplined under this Act. A certified
4 copy of the record of the action by the other state or
5 jurisdiction shall be prima facie evidence thereof.

6 (12) Directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership or association
8 any fee, commission, rebate, or other form of compensation
9 for any professional services not actually or personally
10 rendered.

11 (13) A finding by the Department that the licensee,
12 after having his, her, or its license placed on
13 probationary status, has violated the terms of probation.

14 (14) Willfully making or filing false records or
15 reports relating to a licensee's practice, including but
16 not limited to false records filed with any State or
17 federal agencies or departments.

18 (15) Being named as a perpetrator in an indicated
19 report by the Department of Children and Family Services
20 under the Abused and Neglected Child Reporting Act and upon
21 proof by clear and convincing evidence that the licensee
22 has caused a child to be an abused child or neglected child
23 as defined in the Abused and Neglected Child Reporting Act.

24 (16) Physical illness or mental illness or impairment,
25 including, but not limited to, deterioration through the
26 aging process or loss of motor skill that results in the

1 inability to practice the profession with reasonable
2 judgment, skill, or safety.

3 (17) Solicitation of professional services by using
4 false or misleading advertising.

5 (18) A finding that licensure has been applied for or
6 obtained by fraudulent means.

7 (19) Practicing or attempting to practice under a name
8 other than the full name as shown on the license or any
9 other legally authorized name.

10 (20) Gross overcharging for professional services
11 including, but not limited to, (i) collection of fees or
12 moneys for services that are not rendered; and (ii)
13 charging for services that are not in accordance with the
14 contract between the licensee and the community
15 association.

16 (21) Improper commingling of personal and client funds
17 in violation of this Act or any rules promulgated thereto.

18 (22) Failing to account for or remit any moneys or
19 documents coming into the licensee's possession that
20 belong to another person or entity.

21 (23) Giving differential treatment to a person that is
22 to that person's detriment because of race, color, creed,
23 sex, religion, or national origin.

24 (24) Performing and charging for services without
25 reasonable authorization to do so from the person or entity
26 for whom service is being provided.

1 (25) Failing to make available to the Department, upon
2 request, any books, records, or forms required by this Act.

3 (26) Purporting to be a supervising community
4 association manager of a firm without active participation
5 in the firm.

6 (27) Failing to make available to the Department at the
7 time of the request any indicia of licensure or
8 registration issued under this Act.

9 (28) Failing to maintain and deposit funds belonging to
10 a community association in accordance with subsection (b)
11 of Section 55 of this Act.

12 (29) Violating the terms of a disciplinary order issued
13 by the Department.

14 (b) In accordance with subdivision (a)(5) of Section
15 2105-15 ~~15~~ of the Department of Professional Regulation Law of
16 the Civil Administrative Code of Illinois (20 ILCS
17 2105/2105-15), the Department shall deny a license or renewal
18 authorized by this Act to a person who has defaulted on an
19 educational loan or scholarship provided or guaranteed by the
20 Illinois Student Assistance Commission or any governmental
21 agency of this State.

22 (c) The determination by a circuit court that a licensee is
23 subject to involuntary admission or judicial admission, as
24 provided in the Mental Health and Developmental Disabilities
25 Code, operates as an automatic suspension. The suspension will
26 terminate only upon a finding by a court that the patient is no

1 longer subject to involuntary admission or judicial admission
2 and the issuance of an order so finding and discharging the
3 patient, and upon the recommendation of the Board to the
4 Secretary that the licensee be allowed to resume his or her
5 practice as a licensed community association manager.

6 (d) In accordance with subsection (g) of Section 2105-15 ~~15~~
7 of the Department of Professional Regulation Law of the Civil
8 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
9 Department may refuse to issue or renew or may suspend the
10 license of any person who fails to file a return, to pay the
11 tax, penalty, or interest shown in a filed return, or to pay
12 any final assessment of tax, penalty, or interest, as required
13 by any tax Act administered by the Department of Revenue, until
14 such time as the requirements of that tax Act are satisfied.

15 (e) In accordance with subdivision (a)(5) of Section
16 2105-15 ~~15~~ of the Department of Professional Regulation Law of
17 the Civil Administrative Code of Illinois (20 ILCS
18 2105/2105-15) and in cases where the Department of Healthcare
19 and Family Services (formerly Department of Public Aid) has
20 previously determined that a licensee or a potential licensee
21 is more than 30 days delinquent in the payment of child support
22 and has subsequently certified the delinquency to the
23 Department may refuse to issue or renew or may revoke or
24 suspend that person's license or may take other disciplinary
25 action against that person based solely upon the certification
26 of delinquency made by the Department of Healthcare and Family

1 Services.

2 (f) In enforcing this Section, the Department or Board upon
3 a showing of a possible violation may compel a licensee or an
4 individual licensed to practice under this Act, or who has
5 applied for licensure under this Act, to submit to a mental or
6 physical examination, or both, as required by and at the
7 expense of the Department. The Department or Board may order
8 the examining physician to present testimony concerning the
9 mental or physical examination of the licensee or applicant. No
10 information shall be excluded by reason of any common law or
11 statutory privilege relating to communications between the
12 licensee or applicant and the examining physician. The
13 examining physicians shall be specifically designated by the
14 Board or Department. The individual to be examined may have, at
15 his or her own expense, another physician of his or her choice
16 present during all aspects of this examination. Failure of an
17 individual to submit to a mental or physical examination, when
18 directed, shall be grounds for suspension of his or her license
19 or denial of his or her application or renewal until the
20 individual submits to the examination if the Department finds,
21 after notice and hearing, that the refusal to submit to the
22 examination was without reasonable cause.

23 If the Department or Board finds an individual unable to
24 practice because of the reasons set forth in this Section, the
25 Department or Board may require that individual to submit to
26 care, counseling, or treatment by physicians approved or

1 designated by the Department or Board, as a condition, term, or
2 restriction for continued, reinstated, or renewed licensure to
3 practice; or, in lieu of care, counseling, or treatment, the
4 Department may file, or the Board may recommend to the
5 Department to file, a complaint to immediately suspend, revoke,
6 deny, or otherwise discipline the license of the individual. An
7 individual whose license was granted, continued, reinstated,
8 renewed, disciplined or supervised subject to such terms,
9 conditions, or restrictions, and who fails to comply with such
10 terms, conditions, or restrictions, shall be referred to the
11 Secretary for a determination as to whether the individual
12 shall have his or her license suspended immediately, pending a
13 hearing by the Department.

14 In instances in which the Secretary immediately suspends a
15 person's license under this Section, a hearing on that person's
16 license must be convened by the Department within 30 days after
17 the suspension and completed without appreciable delay. The
18 Department and Board shall have the authority to review the
19 subject individual's record of treatment and counseling
20 regarding the impairment to the extent permitted by applicable
21 federal statutes and regulations safeguarding the
22 confidentiality of medical records.

23 An individual licensed under this Act and affected under
24 this Section shall be afforded an opportunity to demonstrate to
25 the Department or Board that he or she can resume practice in
26 compliance with acceptable and prevailing standards under the

1 provisions of his or her license.

2 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
3 revised 11-14-13.)

4 Section 485. The Detection of Deception Examiners Act is
5 amended by changing Section 14 as follows:

6 (225 ILCS 430/14) (from Ch. 111, par. 2415)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 14. (a) The Department may refuse to issue or renew or
9 may revoke, suspend, place on probation, reprimand, or take
10 other disciplinary or non-disciplinary action as the
11 Department may deem appropriate, including imposing fines not
12 to exceed \$10,000 for each violation, with regard to any
13 license for any one or a combination of the following:

14 (1) Material misstatement in furnishing information to
15 the Department.

16 (2) Violations of this Act, or of the rules adopted
17 under this Act.

18 (3) Conviction by plea of guilty or nolo contendere,
19 finding of guilt, jury verdict, or entry of judgment or by
20 sentencing of any crime, including, but not limited to,
21 convictions, preceding sentences of supervision,
22 conditional discharge, or first offender probation, under
23 the laws of any jurisdiction of the United States: (i) that
24 is a felony or (ii) that is a misdemeanor, an essential

1 element of which is dishonesty, or that is directly related
2 to the practice of the profession.

3 (4) Making any misrepresentation for the purpose of
4 obtaining licensure or violating any provision of this Act
5 or the rules adopted under this Act pertaining to
6 advertising.

7 (5) Professional incompetence.

8 (6) Allowing one's license under this Act to be used by
9 an unlicensed person in violation of this Act.

10 (7) Aiding or assisting another person in violating
11 this Act or any rule adopted under this Act.

12 (8) Where the license holder has been adjudged mentally
13 ill, mentally deficient or subject to involuntary
14 admission as provided in the Mental Health and
15 Developmental Disabilities Code.

16 (9) Failing, within 60 days, to provide information in
17 response to a written request made by the Department.

18 (10) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 (11) Inability to practice with reasonable judgment,
22 skill, or safety as a result of habitual or excessive use
23 or addiction to alcohol, narcotics, stimulants, or any
24 other chemical agent or drug.

25 (12) Discipline by another state, District of
26 Columbia, territory, or foreign nation, if at least one of

1 the grounds for the discipline is the same or substantially
2 equivalent to those set forth in this Section.

3 (13) A finding by the Department that the licensee,
4 after having his or her license placed on probationary
5 status, has violated the terms of probation.

6 (14) Willfully making or filing false records or
7 reports in his or her practice, including, but not limited
8 to, false records filed with State agencies or departments.

9 (15) Inability to practice the profession with
10 reasonable judgment, skill, or safety as a result of a
11 physical illness, including, but not limited to,
12 deterioration through the aging process or loss of motor
13 skill, or a mental illness or disability.

14 (16) Charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered.

17 (17) Practicing under a false or, except as provided by
18 law, an assumed name.

19 (18) Fraud or misrepresentation in applying for, or
20 procuring, a license under this Act or in connection with
21 applying for renewal of a license under this Act.

22 (19) Cheating on or attempting to subvert the licensing
23 examination administered under this Act.

24 All fines imposed under this Section shall be paid within
25 60 days after the effective date of the order imposing the
26 fine.

1 (b) The Department may refuse to issue or may suspend
2 without hearing, as provided for in the Code of Civil
3 Procedure, the license of any person who fails to file a
4 return, or pay the tax, penalty, or interest shown in a filed
5 return, or pay any final assessment of the tax, penalty, or
6 interest as required by any tax Act administered by the
7 Illinois Department of Revenue, until such time as the
8 requirements of any such tax Act are satisfied in accordance
9 with subsection (g) of Section 2105-15 of the Civil
10 Administrative Code of Illinois.

11 (c) The Department shall deny a license or renewal
12 authorized by this Act to a person who has defaulted on an
13 educational loan or scholarship provided or guaranteed by the
14 Illinois Student Assistance Commission or any governmental
15 agency of this State in accordance with item (5) of subsection
16 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of
17 Illinois.

18 (d) In cases where the Department of Healthcare and Family
19 Services has previously determined a licensee or a potential
20 licensee is more than 30 days delinquent in the payment of
21 child support and has subsequently certified the delinquency to
22 the Department, the Department may refuse to issue or renew or
23 may revoke or suspend that person's license or may take other
24 disciplinary action against that person based solely upon the
25 certification of delinquency made by the Department of
26 Healthcare and Family Services in accordance with item (5) of

1 subsection (a) ~~(g)~~ of Section 2105-15 ~~1205-15~~ of the Civil
2 Administrative Code of Illinois.

3 (e) The determination by a circuit court that a licensee is
4 subject to involuntary admission or judicial admission, as
5 provided in the Mental Health and Developmental Disabilities
6 Code, operates as an automatic suspension. The suspension will
7 end only upon a finding by a court that the patient is no
8 longer subject to involuntary admission or judicial admission
9 and the issuance of an order so finding and discharging the
10 patient.

11 (f) In enforcing this Act, the Department, upon a showing
12 of a possible violation, may compel an individual licensed to
13 practice under this Act, or who has applied for licensure under
14 this Act, to submit to a mental or physical examination, or
15 both, as required by and at the expense of the Department. The
16 Department may order the examining physician to present
17 testimony concerning the mental or physical examination of the
18 licensee or applicant. No information shall be excluded by
19 reason of any common law or statutory privilege relating to
20 communications between the licensee or applicant and the
21 examining physician. The examining physicians shall be
22 specifically designated by the Department. The individual to be
23 examined may have, at his or her own expense, another physician
24 of his or her choice present during all aspects of this
25 examination. The examination shall be performed by a physician
26 licensed to practice medicine in all its branches. Failure of

1 an individual to submit to a mental or physical examination,
2 when directed, shall result in an automatic suspension without
3 hearing.

4 A person holding a license under this Act or who has
5 applied for a license under this Act who, because of a physical
6 or mental illness or disability, including, but not limited to,
7 deterioration through the aging process or loss of motor skill,
8 is unable to practice the profession with reasonable judgment,
9 skill, or safety, may be required by the Department to submit
10 to care, counseling, or treatment by physicians approved or
11 designated by the Department as a condition, term, or
12 restriction for continued, reinstated, or renewed licensure to
13 practice. Submission to care, counseling, or treatment as
14 required by the Department shall not be considered discipline
15 of a license. If the licensee refuses to enter into a care,
16 counseling, or treatment agreement or fails to abide by the
17 terms of the agreement, the Department may file a complaint to
18 revoke, suspend, or otherwise discipline the license of the
19 individual. The Secretary may order the license suspended
20 immediately, pending a hearing by the Department. Fines shall
21 not be assessed in disciplinary actions involving physical or
22 mental illness or impairment.

23 In instances in which the Secretary immediately suspends a
24 person's license under this Section, a hearing on that person's
25 license must be convened by the Department within 15 days after
26 the suspension and completed without appreciable delay. The

1 Department shall have the authority to review the subject
2 individual's record of treatment and counseling regarding the
3 impairment to the extent permitted by applicable federal
4 statutes and regulations safeguarding the confidentiality of
5 medical records.

6 An individual licensed under this Act and affected under
7 this Section shall be afforded an opportunity to demonstrate to
8 the Department that he or she can resume practice in compliance
9 with acceptable and prevailing standards under the provisions
10 of his or her license.

11 (Source: P.A. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;
12 revised 11-14-13.)

13 Section 490. The Highway Advertising Control Act of 1971 is
14 amended by changing Section 3 and by setting forth,
15 renumbering, and changing multiple versions of Section 15 as
16 follows:

17 (225 ILCS 440/3) (from Ch. 121, par. 503)

18 Sec. 3. As used in this Act, unless the context otherwise
19 requires, the terms defined in the Sections following this
20 Section and preceding Section 4 ~~3.01 through 3.16~~ have the
21 meanings ascribed to them in those Sections.

22 (Source: P.A. 92-651, eff. 7-11-02; revised 11-14-13.)

23 (225 ILCS 440/14.1)

1 Sec. 14.1 ~~15~~. Applicability. The changes made to this Act
2 by Public Act 98-56 ~~this amendatory Act of the 98th General~~
3 ~~Assembly~~ shall not be applicable if the application would
4 impact the receipt, use, or reimbursement of federal funds by
5 the Illinois Department of Transportation other than the
6 reimbursement of Bonus Agreement funds. Any permit granted
7 pursuant to an inapplicable provision is void.

8 (Source: P.A. 98-56, eff. 7-5-13; revised 10-25-13.)

9 (225 ILCS 440/15)

10 Sec. 15. "An Act relating to the restriction, prohibition,
11 regulation, and control of billboards and other outdoor
12 advertising devices on certain lands adjacent to National
13 System of Interstate and Defense Highways in Illinois",
14 approved June 28, 1965, is repealed.

15 (Source: P.A. 77-1815.)

16 Section 495. The Home Inspector License Act is amended by
17 changing Section 15-10 as follows:

18 (225 ILCS 441/15-10)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 15-10. Grounds for disciplinary action.

21 (a) The Department may refuse to issue or renew, or may
22 revoke, suspend, place on probation, reprimand, or take other
23 disciplinary or non-disciplinary action as the Department may

1 deem appropriate, including imposing fines not to exceed
2 \$25,000 for each violation, with regard to any license for any
3 one or combination of the following:

4 (1) Fraud or misrepresentation in applying for, or
5 procuring a license under this Act or in connection with
6 applying for renewal of a license under this Act.

7 (2) Failing to meet the minimum qualifications for
8 licensure as a home inspector established by this Act.

9 (3) Paying money, other than for the fees provided for
10 by this Act, or anything of value to an employee of the
11 Department to procure licensure under this Act.

12 (4) Conviction by plea of guilty or nolo contendere,
13 finding of guilt, jury verdict, or entry of judgment or by
14 sentencing of any crime, including, but not limited to,
15 convictions, preceding sentences of supervision,
16 conditional discharge, or first offender probation, under
17 the laws of any jurisdiction of the United States: (i) that
18 is a felony; (ii) that is a misdemeanor, an essential
19 element of which is dishonesty, or that is directly related
20 to the practice of the profession; or (iii) that is a crime
21 that subjects the licensee to compliance with the
22 requirements of the Sex Offender Registration Act.

23 (5) Committing an act or omission involving
24 dishonesty, fraud, or misrepresentation with the intent to
25 substantially benefit the licensee or another person or
26 with the intent to substantially injure another person.

1 (6) Violating a provision or standard for the
2 development or communication of home inspections as
3 provided in Section 10-5 of this Act or as defined in the
4 rules.

5 (7) Failing or refusing to exercise reasonable
6 diligence in the development, reporting, or communication
7 of a home inspection report, as defined by this Act or the
8 rules.

9 (8) Violating a provision of this Act or the rules.

10 (9) Having been disciplined by another state, the
11 District of Columbia, a territory, a foreign nation, a
12 governmental agency, or any other entity authorized to
13 impose discipline if at least one of the grounds for that
14 discipline is the same as or substantially equivalent to
15 one of the grounds for which a licensee may be disciplined
16 under this Act.

17 (10) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public.

20 (11) Accepting an inspection assignment when the
21 employment itself is contingent upon the home inspector
22 reporting a predetermined analysis or opinion, or when the
23 fee to be paid is contingent upon the analysis, opinion, or
24 conclusion reached or upon the consequences resulting from
25 the home inspection assignment.

26 (12) Developing home inspection opinions or

1 conclusions based on the race, color, religion, sex,
2 national origin, ancestry, age, marital status, family
3 status, physical or mental disability, or unfavorable
4 military discharge, as defined under the Illinois Human
5 Rights Act, of the prospective or present owners or
6 occupants of the area or property under home inspection.

7 (13) Being adjudicated liable in a civil proceeding on
8 grounds of fraud, misrepresentation, or deceit. In a
9 disciplinary proceeding based upon a finding of civil
10 liability, the home inspector shall be afforded an
11 opportunity to present mitigating and extenuating
12 circumstances, but may not collaterally attack the civil
13 adjudication.

14 (14) Being adjudicated liable in a civil proceeding for
15 violation of a State or federal fair housing law.

16 (15) Engaging in misleading or untruthful advertising
17 or using a trade name or insignia of membership in a home
18 inspection organization of which the licensee is not a
19 member.

20 (16) Failing, within 30 days, to provide information in
21 response to a written request made by the Department.

22 (17) Failing to include within the home inspection
23 report the home inspector's license number and the date of
24 expiration of the license. All home inspectors providing
25 significant contribution to the development and reporting
26 of a home inspection must be disclosed in the home

1 inspection report. It is a violation of this Act for a home
2 inspector to sign a home inspection report knowing that a
3 person providing a significant contribution to the report
4 has not been disclosed in the home inspection report.

5 (18) Advising a client as to whether the client should
6 or should not engage in a transaction regarding the
7 residential real property that is the subject of the home
8 inspection.

9 (19) Performing a home inspection in a manner that
10 damages or alters the residential real property that is the
11 subject of the home inspection without the consent of the
12 owner.

13 (20) Performing a home inspection when the home
14 inspector is providing or may also provide other services
15 in connection with the residential real property or
16 transaction, or has an interest in the residential real
17 property, without providing prior written notice of the
18 potential or actual conflict and obtaining the prior
19 consent of the client as provided by rule.

20 (21) Aiding or assisting another person in violating
21 any provision of this Act or rules adopted under this Act.

22 (22) Inability to practice with reasonable judgment,
23 skill, or safety as a result of habitual or excessive use
24 or addiction to alcohol, narcotics, stimulants, or any
25 other chemical agent or drug.

26 (23) A finding by the Department that the licensee,

1 after having his or her license placed on probationary
2 status, has violated the terms of probation.

3 (24) Willfully making or filing false records or
4 reports in his or her practice, including, but not limited
5 to, false records filed with State agencies or departments.

6 (25) Charging for professional services not rendered,
7 including filing false statements for the collection of
8 fees for which services are not rendered.

9 (26) Practicing under a false or, except as provided by
10 law, an assumed name.

11 (27) Cheating on or attempting to subvert the licensing
12 examination administered under this Act.

13 (b) The Department may suspend, revoke, or refuse to issue
14 or renew an education provider's license, may reprimand, place
15 on probation, or otherwise discipline an education provider
16 licensee, and may suspend or revoke the course approval of any
17 course offered by an education provider, for any of the
18 following:

19 (1) Procuring or attempting to procure licensure by
20 knowingly making a false statement, submitting false
21 information, making any form of fraud or
22 misrepresentation, or refusing to provide complete
23 information in response to a question in an application for
24 licensure.

25 (2) Failing to comply with the covenants certified to
26 on the application for licensure as an education provider.

1 (3) Committing an act or omission involving
2 dishonesty, fraud, or misrepresentation or allowing any
3 such act or omission by any employee or contractor under
4 the control of the education provider.

5 (4) Engaging in misleading or untruthful advertising.

6 (5) Failing to retain competent instructors in
7 accordance with rules adopted under this Act.

8 (6) Failing to meet the topic or time requirements for
9 course approval as the provider of a pre-license curriculum
10 course or a continuing education course.

11 (7) Failing to administer an approved course using the
12 course materials, syllabus, and examinations submitted as
13 the basis of the course approval.

14 (8) Failing to provide an appropriate classroom
15 environment for presentation of courses, with
16 consideration for student comfort, acoustics, lighting,
17 seating, workspace, and visual aid material.

18 (9) Failing to maintain student records in compliance
19 with the rules adopted under this Act.

20 (10) Failing to provide a certificate, transcript, or
21 other student record to the Department or to a student as
22 may be required by rule.

23 (11) Failing to fully cooperate with a Department
24 investigation by knowingly making a false statement,
25 submitting false or misleading information, or refusing to
26 provide complete information in response to written

1 interrogatories or a written request for documentation
2 within 30 days of the request.

3 (c) In appropriate cases, the Department may resolve a
4 complaint against a licensee through the issuance of a Consent
5 to Administrative Supervision order. A licensee subject to a
6 Consent to Administrative Supervision order shall be
7 considered by the Department as an active licensee in good
8 standing. This order shall not be reported as or considered by
9 the Department to be a discipline of the licensee. The records
10 regarding an investigation and a Consent to Administrative
11 Supervision order shall be considered confidential and shall
12 not be released by the Department except as mandated by law.
13 The complainant shall be notified that his or her complaint has
14 been resolved by a Consent to Administrative Supervision order.

15 (d) The Department may refuse to issue or may suspend
16 without hearing, as provided for in the Code of Civil
17 Procedure, the license of any person who fails to file a tax
18 return, to pay the tax, penalty, or interest shown in a filed
19 tax return, or to pay any final assessment of tax, penalty, or
20 interest, as required by any tax Act administered by the
21 Illinois Department of Revenue, until such time as the
22 requirements of the tax Act are satisfied in accordance with
23 subsection (g) of Section 2105-15 of the Civil Administrative
24 Code of Illinois.

25 (e) The Department shall deny a license or renewal
26 authorized by this Act to a person who has defaulted on an

1 educational loan or scholarship provided or guaranteed by the
2 Illinois Student Assistance Commission or any governmental
3 agency of this State in accordance with item (5) of subsection
4 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of
5 Illinois.

6 (f) In cases where the Department of Healthcare and Family
7 Services has previously determined that a licensee or a
8 potential licensee is more than 30 days delinquent in the
9 payment of child support and has subsequently certified the
10 delinquency to the Department, the Department may refuse to
11 issue or renew or may revoke or suspend that person's license
12 or may take other disciplinary action against that person based
13 solely upon the certification of delinquency made by the
14 Department of Healthcare and Family Services in accordance with
15 item (5) of subsection (a) ~~(g)~~ of Section 2105-15 of the Civil
16 Administrative Code of Illinois.

17 (g) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission, as
19 provided in the Mental Health and Developmental Disabilities
20 Code, operates as an automatic suspension. The suspension will
21 end only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission
23 and the issuance of a court order so finding and discharging
24 the patient.

25 (h) In enforcing this Act, the Department, upon a showing
26 of a possible violation, may compel an individual licensed to

1 practice under this Act, or who has applied for licensure under
2 this Act, to submit to a mental or physical examination, or
3 both, as required by and at the expense of the Department. The
4 Department may order the examining physician to present
5 testimony concerning the mental or physical examination of the
6 licensee or applicant. No information shall be excluded by
7 reason of any common law or statutory privilege relating to
8 communications between the licensee or applicant and the
9 examining physician. The examining physician shall be
10 specifically designated by the Department. The individual to be
11 examined may have, at his or her own expense, another physician
12 of his or her choice present during all aspects of this
13 examination. The examination shall be performed by a physician
14 licensed to practice medicine in all its branches. Failure of
15 an individual to submit to a mental or physical examination,
16 when directed, shall result in an automatic suspension without
17 hearing.

18 A person holding a license under this Act or who has
19 applied for a license under this Act, who, because of a
20 physical or mental illness or disability, including, but not
21 limited to, deterioration through the aging process or loss of
22 motor skill, is unable to practice the profession with
23 reasonable judgment, skill, or safety, may be required by the
24 Department to submit to care, counseling, or treatment by
25 physicians approved or designated by the Department as a
26 condition, term, or restriction for continued, reinstated, or

1 renewed licensure to practice. Submission to care, counseling,
2 or treatment as required by the Department shall not be
3 considered discipline of a license. If the licensee refuses to
4 enter into a care, counseling, or treatment agreement or fails
5 to abide by the terms of the agreement, the Department may file
6 a complaint to revoke, suspend, or otherwise discipline the
7 license of the individual. The Secretary may order the license
8 suspended immediately, pending a hearing by the Department.
9 Fines shall not be assessed in disciplinary actions involving
10 physical or mental illness or impairment.

11 In instances in which the Secretary immediately suspends a
12 person's license under this Section, a hearing on that person's
13 license must be convened by the Department within 15 days after
14 the suspension and completed without appreciable delay. The
15 Department shall have the authority to review the subject
16 individual's record of treatment and counseling regarding the
17 impairment to the extent permitted by applicable federal
18 statutes and regulations safeguarding the confidentiality of
19 medical records.

20 An individual licensed under this Act and affected under
21 this Section shall be afforded an opportunity to demonstrate to
22 the Department that he or she can resume practice in compliance
23 with acceptable and prevailing standards under the provisions
24 of his or her license.

25 (Source: P.A. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;
26 revised 11-14-13.)

1 Section 500. The Private Detective, Private Alarm, Private
2 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
3 amended by changing Section 25-20 as follows:

4 (225 ILCS 447/25-20)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 25-20. Training; private security contractor and
7 employees.

8 (a) Registered employees of the private security
9 contractor agency who provide traditional guarding or other
10 private security related functions or who respond to alarm
11 systems shall complete, within 30 days of their employment, a
12 minimum of 20 hours of classroom basic training provided by a
13 qualified instructor, which shall include the following
14 subjects:

15 (1) The law regarding arrest and search and seizure as
16 it applies to private security.

17 (2) Civil and criminal liability for acts related to
18 private security.

19 (3) The use of force, including but not limited to the
20 use of nonlethal force (i.e., disabling spray, baton,
21 stungun or similar weapon).

22 (4) Arrest and control techniques.

23 (5) The offenses under the Criminal Code of 2012 that
24 are directly related to the protection of persons and

1 property.

2 (6) The law on private security forces and on reporting
3 to law enforcement agencies.

4 (7) Fire prevention, fire equipment, and fire safety.

5 (8) The procedures for report writing.

6 (9) Civil rights and public relations.

7 (10) The identification of terrorists, acts of
8 terrorism, and terrorist organizations, as defined by
9 federal and State statutes.

10 (b) All other employees of a private security contractor
11 agency shall complete a minimum of 20 hours of training
12 provided by the qualified instructor within 30 days of their
13 employment. The substance of the training shall be related to
14 the work performed by the registered employee.

15 (c) Registered employees of the private security
16 contractor agency who provide guarding or other private
17 security related functions, in addition to the classroom
18 training required under subsection (a), within 6 months of
19 their employment, shall complete an additional 8 hours of
20 training on subjects to be determined by the employer, which
21 training may be site-specific and may be conducted on the job.

22 (d) In addition to the basic training provided for in
23 subsections (a) and (c), registered employees of the private
24 security contractor agency who provide guarding or other
25 private security related functions shall complete an
26 additional 8 hours of refresher training on subjects to be

1 determined by the employer each calendar year commencing with
2 the calendar year following the employee's first employment
3 anniversary date, which refresher training may be
4 site-specific and may be conducted on the job.

5 (e) It is the responsibility of the employer to certify, on
6 a form provided by the Department, that the employee has
7 successfully completed the basic and refresher training. The
8 form shall be a permanent record of training completed by the
9 employee and shall be placed in the employee's file with the
10 employer for the period the employee remains with the employer.
11 An agency may place a notarized copy of the Department form in
12 lieu of the original into the permanent employee registration
13 card file. The original form shall be given to the employee
14 when his or her employment is terminated. Failure to return the
15 original form to the employee is grounds for disciplinary
16 action. The employee shall not be required to repeat the
17 required training once the employee has been issued the form.
18 An employer may provide or require additional training.

19 (f) Any certification of completion of the 20-hour basic
20 training issued under the Private Detective, Private Alarm,
21 Private Security and Locksmith Act of 1993 or any prior Act
22 shall be accepted as proof of training under this Act.

23 (Source: P.A. 97-1150, eff. 1-25-13; 98-253, eff. 8-9-13;
24 revised 9-24-13.)

25 Section 505. The Illinois Public Accounting Act is amended

1 by changing Sections 2.1 and 28 as follows:

2 (225 ILCS 450/2.1) (from Ch. 111, par. 5503)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 2.1. Illinois Administrative Procedure Act. The
5 Illinois Administrative Procedure Act is hereby expressly
6 adopted and incorporated herein as if all of the provisions of
7 that Act were included in this Act, except that the provision
8 of subsection (d) of Section 10-65 of the Illinois
9 Administrative Procedure Act that provides that at hearings the
10 licensee has the right to show compliance with all lawful
11 requirements for retention, continuation or renewal of the
12 license is specifically excluded. For the purposes of this Act
13 the notice required under Section 10-25 of the Illinois
14 Administrative Procedure Act is deemed sufficient when mailed
15 to the licensee's address of record.

16 (Source: P.A. 98-254, eff. 8-9-13; revised 11-14-13.)

17 (225 ILCS 450/28) (from Ch. 111, par. 5534)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 28. Criminal penalties. Each of the following acts
20 perpetrated in the State of Illinois is a Class A misdemeanor: ~~:-~~

21 (a) the practice of accountancy activities as defined
22 in paragraph (1) of subsection (a) of Section 8.05 without
23 an active CPA license in violation of the provisions of
24 this Act;

1 (b) the obtaining or attempting to obtain licensure as
2 a licensed CPA or registration as a registered CPA by
3 fraud;

4 (c) the use of the title "Certified Public Accountant",
5 "public accountant", or the abbreviation "C.P.A.", "RCPA",
6 "LCPA", "PA" or use of any similar words or letters
7 indicating the user is a certified public accountant, or
8 the title "Registered Certified Public Accountant";

9 (c-5) (blank);

10 (d) the use of the title "Certified Public Accountant",
11 "public accountant", or the abbreviation "C.P.A.", "RCPA",
12 "LCPA", "PA" or any similar words or letters indicating
13 that the members are certified public accountants, by any
14 partnership, limited liability company, corporation, or
15 other entity in violation of this Act;

16 (e) the unauthorized practice in the performance of
17 accountancy activities as defined in Section 8.05 and in
18 violation of this Act;

19 (f) (blank);

20 (g) making false statements to the Department
21 regarding compliance with continuing professional
22 education or peer review requirements;

23 (h) (Blank).

24 (Source: P.A. 98-254, eff. 8-9-13; revised 11-12-13.)

25 Section 510. The Real Estate License Act of 2000 is amended

1 by changing Sections 5-32 and 20-20 as follows:

2 (225 ILCS 454/5-32)

3 (Section scheduled to be repealed on January 1, 2020)

4 Sec. 5-32. Real estate auction certification.

5 (a) An auctioneer licensed under the Auction License Act
6 who does not possess a valid and active broker's or managing
7 broker's license under this Act, or who is not otherwise exempt
8 from licensure, may not engage in the practice of auctioning
9 real estate, except as provided in this Section.

10 (b) The Department shall issue a real estate auction
11 certification to applicants who:

12 (1) possess a valid auctioneer's license under the
13 Auction License Act;

14 (2) successfully complete a real estate auction course
15 of at least 30 hours approved by the Department, which
16 shall cover the scope of activities that may be engaged in
17 by a person holding a real estate auction certification and
18 the activities for which a person must hold a real estate
19 license, as well as other material as provided by the
20 Department;

21 (3) provide documentation of the completion of the real
22 estate auction course; and

23 (4) successfully complete any other reasonable
24 requirements as provided by rule.

25 (c) The auctioneer's role shall be limited to establishing

1 the time, place, and method of the real estate auction, placing
2 advertisements regarding the auction, and crying or calling the
3 auction; any other real estate brokerage activities must be
4 performed by a person holding a valid and active real estate
5 broker's or managing broker's license under the provisions of
6 this Act or by a person who is exempt from holding a license
7 under paragraph (13) of Section 5-20 who has a certificate
8 under this Section.

9 (d) An auctioneer who conducts any real estate auction
10 activities in violation of this Section is guilty of unlicensed
11 practice under Section 20-10 of this Act.

12 (e) The Department may revoke, suspend, or otherwise
13 discipline the real estate auction certification of an
14 auctioneer who is adjudicated to be in violation of the
15 provisions of this Section or Section 20-15 of the Auction
16 License Act.

17 (f) Advertising for the real estate auction must contain
18 the name and address of the licensed real estate broker,
19 managing broker, or a licensed auctioneer under paragraph (13)
20 of Section 5-20 of this Act who is providing brokerage services
21 for the transaction.

22 (g) The requirement to hold a real estate auction
23 certification shall not apply to a person exempt from this Act
24 under the provisions of paragraph (13) of Section ~~subsection~~
25 5-20 of this Act, unless that person is performing licensed
26 activities in a transaction in which a licensed auctioneer with

1 a real estate certification is providing the limited services
2 provided for in subsection (c) of this Section.

3 (h) Nothing in this Section shall require a person licensed
4 under this Act as a real estate broker or managing broker to
5 obtain a real estate auction certification in order to auction
6 real estate.

7 (i) The Department may adopt rules to implement this
8 Section.

9 (Source: P.A. 98-553, eff. 1-1-14; revised 11-15-13.)

10 (225 ILCS 454/20-20)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 20-20. Grounds for discipline.

13 (a) The Department may refuse to issue or renew a license,
14 may place on probation, suspend, or revoke any license,
15 reprimand, or take any other disciplinary or non-disciplinary
16 action as the Department may deem proper and impose a fine not
17 to exceed \$25,000 upon any licensee or applicant under this Act
18 or any person who holds himself or herself out as an applicant
19 or licensee or against a licensee in handling his or her own
20 property, whether held by deed, option, or otherwise, for any
21 one or any combination of the following causes:

22 (1) Fraud or misrepresentation in applying for, or
23 procuring, a license under this Act or in connection with
24 applying for renewal of a license under this Act.

25 (2) The conviction of or plea of guilty or plea of nolo

1 contendere to a felony or misdemeanor in this State or any
2 other jurisdiction; or the entry of an administrative
3 sanction by a government agency in this State or any other
4 jurisdiction. Action taken under this paragraph (2) for a
5 misdemeanor or an administrative sanction is limited to a
6 misdemeanor or administrative sanction that has as an
7 essential element dishonesty or fraud or involves larceny,
8 embezzlement, or obtaining money, property, or credit by
9 false pretenses or by means of a confidence game.

10 (3) Inability to practice the profession with
11 reasonable judgment, skill, or safety as a result of a
12 physical illness, including, but not limited to,
13 deterioration through the aging process or loss of motor
14 skill, or a mental illness or disability.

15 (4) Practice under this Act as a licensee in a retail
16 sales establishment from an office, desk, or space that is
17 not separated from the main retail business by a separate
18 and distinct area within the establishment.

19 (5) Having been disciplined by another state, the
20 District of Columbia, a territory, a foreign nation, or a
21 governmental agency authorized to impose discipline if at
22 least one of the grounds for that discipline is the same as
23 or the equivalent of one of the grounds for which a
24 licensee may be disciplined under this Act. A certified
25 copy of the record of the action by the other state or
26 jurisdiction shall be prima facie evidence thereof.

1 (6) Engaging in the practice of real estate brokerage
2 without a license or after the licensee's license was
3 expired or while the license was inoperative.

4 (7) Cheating on or attempting to subvert the Real
5 Estate License Exam or continuing education exam.

6 (8) Aiding or abetting an applicant to subvert or cheat
7 on the Real Estate License Exam or continuing education
8 exam administered pursuant to this Act.

9 (9) Advertising that is inaccurate, misleading, or
10 contrary to the provisions of the Act.

11 (10) Making any substantial misrepresentation or
12 untruthful advertising.

13 (11) Making any false promises of a character likely to
14 influence, persuade, or induce.

15 (12) Pursuing a continued and flagrant course of
16 misrepresentation or the making of false promises through
17 licensees, employees, agents, advertising, or otherwise.

18 (13) Any misleading or untruthful advertising, or
19 using any trade name or insignia of membership in any real
20 estate organization of which the licensee is not a member.

21 (14) Acting for more than one party in a transaction
22 without providing written notice to all parties for whom
23 the licensee acts.

24 (15) Representing or attempting to represent a broker
25 other than the sponsoring broker.

26 (16) Failure to account for or to remit any moneys or

1 documents coming into his or her possession that belong to
2 others.

3 (17) Failure to maintain and deposit in a special
4 account, separate and apart from personal and other
5 business accounts, all escrow moneys belonging to others
6 entrusted to a licensee while acting as a real estate
7 broker, escrow agent, or temporary custodian of the funds
8 of others or failure to maintain all escrow moneys on
9 deposit in the account until the transactions are
10 consummated or terminated, except to the extent that the
11 moneys, or any part thereof, shall be:

12 (A) disbursed prior to the consummation or
13 termination (i) in accordance with the written
14 direction of the principals to the transaction or their
15 duly authorized agents, (ii) in accordance with
16 directions providing for the release, payment, or
17 distribution of escrow moneys contained in any written
18 contract signed by the principals to the transaction or
19 their duly authorized agents, or (iii) pursuant to an
20 order of a court of competent jurisdiction; or

21 (B) deemed abandoned and transferred to the Office
22 of the State Treasurer to be handled as unclaimed
23 property pursuant to the Uniform Disposition of
24 Unclaimed Property Act. Escrow moneys may be deemed
25 abandoned under this subparagraph (B) only: (i) in the
26 absence of disbursement under subparagraph (A); (ii)

1 in the absence of notice of the filing of any claim in
2 a court of competent jurisdiction; and (iii) if 6
3 months have elapsed after the receipt of a written
4 demand for the escrow moneys from one of the principals
5 to the transaction or the principal's duly authorized
6 agent.

7 The account shall be noninterest bearing, unless the
8 character of the deposit is such that payment of interest
9 thereon is otherwise required by law or unless the
10 principals to the transaction specifically require, in
11 writing, that the deposit be placed in an interest bearing
12 account.

13 (18) Failure to make available to the Department all
14 escrow records and related documents maintained in
15 connection with the practice of real estate within 24 hours
16 of a request for those documents by Department personnel.

17 (19) Failing to furnish copies upon request of
18 documents relating to a real estate transaction to a party
19 who has executed that document.

20 (20) Failure of a sponsoring broker to timely provide
21 information, sponsor cards, or termination of licenses to
22 the Department.

23 (21) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (22) Commingling the money or property of others with

1 his or her own money or property.

2 (23) Employing any person on a purely temporary or
3 single deal basis as a means of evading the law regarding
4 payment of commission to nonlicensees on some contemplated
5 transactions.

6 (24) Permitting the use of his or her license as a
7 broker to enable a salesperson or unlicensed person to
8 operate a real estate business without actual
9 participation therein and control thereof by the broker.

10 (25) Any other conduct, whether of the same or a
11 different character from that specified in this Section,
12 that constitutes dishonest dealing.

13 (26) Displaying a "for rent" or "for sale" sign on any
14 property without the written consent of an owner or his or
15 her duly authorized agent or advertising by any means that
16 any property is for sale or for rent without the written
17 consent of the owner or his or her authorized agent.

18 (27) Failing to provide information requested by the
19 Department, or otherwise respond to that request, within 30
20 days of the request.

21 (28) Advertising by means of a blind advertisement,
22 except as otherwise permitted in Section 10-30 of this Act.

23 (29) Offering guaranteed sales plans, as defined in
24 clause (A) of this subdivision (29), except to the extent
25 hereinafter set forth:

26 (A) A "guaranteed sales plan" is any real estate

1 purchase or sales plan whereby a licensee enters into a
2 conditional or unconditional written contract with a
3 seller, prior to entering into a brokerage agreement
4 with the seller, by the terms of which a licensee
5 agrees to purchase a property of the seller within a
6 specified period of time at a specific price in the
7 event the property is not sold in accordance with the
8 terms of a brokerage agreement to be entered into
9 between the sponsoring broker and the seller.

10 (B) A licensee offering a guaranteed sales plan
11 shall provide the details and conditions of the plan in
12 writing to the party to whom the plan is offered.

13 (C) A licensee offering a guaranteed sales plan
14 shall provide to the party to whom the plan is offered
15 evidence of sufficient financial resources to satisfy
16 the commitment to purchase undertaken by the broker in
17 the plan.

18 (D) Any licensee offering a guaranteed sales plan
19 shall undertake to market the property of the seller
20 subject to the plan in the same manner in which the
21 broker would market any other property, unless the
22 agreement with the seller provides otherwise.

23 (E) The licensee cannot purchase seller's property
24 until the brokerage agreement has ended according to
25 its terms or is otherwise terminated.

26 (F) Any licensee who fails to perform on a

1 guaranteed sales plan in strict accordance with its
2 terms shall be subject to all the penalties provided in
3 this Act for violations thereof and, in addition, shall
4 be subject to a civil fine payable to the party injured
5 by the default in an amount of up to \$25,000.

6 (30) Influencing or attempting to influence, by any
7 words or acts, a prospective seller, purchaser, occupant,
8 landlord, or tenant of real estate, in connection with
9 viewing, buying, or leasing real estate, so as to promote
10 or tend to promote the continuance or maintenance of
11 racially and religiously segregated housing or so as to
12 retard, obstruct, or discourage racially integrated
13 housing on or in any street, block, neighborhood, or
14 community.

15 (31) Engaging in any act that constitutes a violation
16 of any provision of Article 3 of the Illinois Human Rights
17 Act, whether or not a complaint has been filed with or
18 adjudicated by the Human Rights Commission.

19 (32) Inducing any party to a contract of sale or lease
20 or brokerage agreement to break the contract of sale or
21 lease or brokerage agreement for the purpose of
22 substituting, in lieu thereof, a new contract for sale or
23 lease or brokerage agreement with a third party.

24 (33) Negotiating a sale, exchange, or lease of real
25 estate directly with any person if the licensee knows that
26 the person has an exclusive brokerage agreement with

1 another broker, unless specifically authorized by that
2 broker.

3 (34) When a licensee is also an attorney, acting as the
4 attorney for either the buyer or the seller in the same
5 transaction in which the licensee is acting or has acted as
6 a broker or salesperson.

7 (35) Advertising or offering merchandise or services
8 as free if any conditions or obligations necessary for
9 receiving the merchandise or services are not disclosed in
10 the same advertisement or offer. These conditions or
11 obligations include without limitation the requirement
12 that the recipient attend a promotional activity or visit a
13 real estate site. As used in this subdivision (35), "free"
14 includes terms such as "award", "prize", "no charge", "free
15 of charge", "without charge", and similar words or phrases
16 that reasonably lead a person to believe that he or she may
17 receive or has been selected to receive something of value,
18 without any conditions or obligations on the part of the
19 recipient.

20 (36) Disregarding or violating any provision of the
21 Land Sales Registration Act of 1989, the Illinois Real
22 Estate Time-Share Act, or the published rules promulgated
23 by the Department to enforce those Acts.

24 (37) Violating the terms of a disciplinary order issued
25 by the Department.

26 (38) Paying or failing to disclose compensation in

1 violation of Article 10 of this Act.

2 (39) Requiring a party to a transaction who is not a
3 client of the licensee to allow the licensee to retain a
4 portion of the escrow moneys for payment of the licensee's
5 commission or expenses as a condition for release of the
6 escrow moneys to that party.

7 (40) Disregarding or violating any provision of this
8 Act or the published rules promulgated by the Department to
9 enforce this Act or aiding or abetting any individual,
10 partnership, registered limited liability partnership,
11 limited liability company, or corporation in disregarding
12 any provision of this Act or the published rules
13 promulgated by the Department to enforce this Act.

14 (41) Failing to provide the minimum services required
15 by Section 15-75 of this Act when acting under an exclusive
16 brokerage agreement.

17 (42) Habitual or excessive use or addiction to alcohol,
18 narcotics, stimulants, or any other chemical agent or drug
19 that results in a managing broker, broker, salesperson, or
20 leasing agent's inability to practice with reasonable
21 skill or safety.

22 (43) Enabling, aiding, or abetting an auctioneer, as
23 defined in the Auction License Act, to conduct a real
24 estate auction in a manner that is in violation of this
25 Act.

26 (b) The Department may refuse to issue or renew or may

1 suspend the license of any person who fails to file a return,
2 pay the tax, penalty or interest shown in a filed return, or
3 pay any final assessment of tax, penalty, or interest, as
4 required by any tax Act administered by the Department of
5 Revenue, until such time as the requirements of that tax Act
6 are satisfied in accordance with subsection (g) of Section
7 2105-15 of the Civil Administrative Code of Illinois.

8 (c) The Department shall deny a license or renewal
9 authorized by this Act to a person who has defaulted on an
10 educational loan or scholarship provided or guaranteed by the
11 Illinois Student Assistance Commission or any governmental
12 agency of this State in accordance with item (5) of subsection
13 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of
14 Illinois.

15 (d) In cases where the Department of Healthcare and Family
16 Services (formerly Department of Public Aid) has previously
17 determined that a licensee or a potential licensee is more than
18 30 days delinquent in the payment of child support and has
19 subsequently certified the delinquency to the Department may
20 refuse to issue or renew or may revoke or suspend that person's
21 license or may take other disciplinary action against that
22 person based solely upon the certification of delinquency made
23 by the Department of Healthcare and Family Services in
24 accordance with item (5) of subsection (a) ~~(g)~~ of Section
25 2105-15 of the Civil Administrative Code of Illinois.

26 (e) In enforcing this Section, the Department or Board upon

1 a showing of a possible violation may compel an individual
2 licensed to practice under this Act, or who has applied for
3 licensure under this Act, to submit to a mental or physical
4 examination, or both, as required by and at the expense of the
5 Department. The Department or Board may order the examining
6 physician to present testimony concerning the mental or
7 physical examination of the licensee or applicant. No
8 information shall be excluded by reason of any common law or
9 statutory privilege relating to communications between the
10 licensee or applicant and the examining physician. The
11 examining physicians shall be specifically designated by the
12 Board or Department. The individual to be examined may have, at
13 his or her own expense, another physician of his or her choice
14 present during all aspects of this examination. Failure of an
15 individual to submit to a mental or physical examination, when
16 directed, shall be grounds for suspension of his or her license
17 until the individual submits to the examination if the
18 Department finds, after notice and hearing, that the refusal to
19 submit to the examination was without reasonable cause.

20 If the Department or Board finds an individual unable to
21 practice because of the reasons set forth in this Section, the
22 Department or Board may require that individual to submit to
23 care, counseling, or treatment by physicians approved or
24 designated by the Department or Board, as a condition, term, or
25 restriction for continued, reinstated, or renewed licensure to
26 practice; or, in lieu of care, counseling, or treatment, the

1 Department may file, or the Board may recommend to the
2 Department to file, a complaint to immediately suspend, revoke,
3 or otherwise discipline the license of the individual. An
4 individual whose license was granted, continued, reinstated,
5 renewed, disciplined or supervised subject to such terms,
6 conditions, or restrictions, and who fails to comply with such
7 terms, conditions, or restrictions, shall be referred to the
8 Secretary for a determination as to whether the individual
9 shall have his or her license suspended immediately, pending a
10 hearing by the Department.

11 In instances in which the Secretary immediately suspends a
12 person's license under this Section, a hearing on that person's
13 license must be convened by the Department within 30 days after
14 the suspension and completed without appreciable delay. The
15 Department and Board shall have the authority to review the
16 subject individual's record of treatment and counseling
17 regarding the impairment to the extent permitted by applicable
18 federal statutes and regulations safeguarding the
19 confidentiality of medical records.

20 An individual licensed under this Act and affected under
21 this Section shall be afforded an opportunity to demonstrate to
22 the Department or Board that he or she can resume practice in
23 compliance with acceptable and prevailing standards under the
24 provisions of his or her license.

25 (Source: P.A. 97-813, eff. 7-13-12; 97-1002, eff. 8-17-12;
26 98-553, eff. 1-1-14; revised 11-14-13.)

1 Section 515. The Hydraulic Fracturing Regulatory Act is
2 amended by changing Sections 1-15, 1-35, 1-60, 1-70, 1-75, and
3 1-95 as follows:

4 (225 ILCS 732/1-15)

5 Sec. 1-15. Powers and duties.

6 (a) Except as otherwise provided, the Department shall
7 enforce this Act and all rules and orders adopted in accordance
8 with this Act.

9 (b) Except as otherwise provided, the Department shall have
10 jurisdiction and authority over all persons and property
11 necessary to enforce the provisions of this Act effectively. In
12 aid of this jurisdiction, the Director, or anyone designated in
13 writing by the Director, shall have the authority to administer
14 oaths and to issue subpoenas for the production of records or
15 other documents and for the attendance of witnesses at any
16 proceedings of the Department.

17 (c) The Department may authorize any employee of the
18 Department, qualified by training and experience, to perform
19 the powers and duties set forth in this Act.

20 (d) For the purpose of determining compliance with the
21 provisions of this Act and any orders or rules entered or
22 adopted under this Act, the Department shall have the right at
23 all times to go upon and inspect properties where high volume
24 horizontal hydraulic fracturing operations are being or have

1 been conducted.

2 (e) The Department shall make any inquiries as it may deem
3 proper to determine whether a violation of this Act or any
4 orders or rules entered or adopted under this Act exists or is
5 imminent. In the exercise of these powers, the Department shall
6 have the authority to collect data; to require testing and
7 sampling; to make investigation and inspections; to examine
8 properties, including records and logs; to examine, check, and
9 test hydrocarbon wells; to hold hearings; to adopt
10 administrative rules; and to take any action as may be
11 reasonably necessary to enforce this Act.

12 (f) Except as otherwise provided, the Department may
13 specify the manner in which all information required to be
14 submitted under this Act is submitted.

15 (Source: P.A. 98-22, eff. 6-17-13; revised 11-18-13.)

16 (225 ILCS 732/1-35)

17 Sec. 1-35. High volume horizontal hydraulic fracturing
18 permit application.

19 (a) Every applicant for a permit under this Act shall first
20 register with the Department at least 30 days before applying
21 for a permit. The Department shall make available a
22 registration form within 90 days after the effective date of
23 this Act. The registration form shall require the following
24 information:

25 (1) the name and address of the registrant and any

1 parent, subsidiary, or affiliate thereof;

2 (2) disclosure of all findings of a serious violation
3 or an equivalent violation under federal or state laws or
4 regulations in the development or operation of an oil or
5 gas exploration or production site via hydraulic
6 fracturing by the applicant or any parent, subsidiary, or
7 affiliate thereof within the previous 5 years; and

8 (3) proof of insurance to cover injuries, damages, or
9 loss related to pollution or diminution in the amount of at
10 least \$5,000,000, from an insurance carrier authorized,
11 licensed, or permitted to do this insurance business in
12 this State that holds at least an A- rating by A.M. Best &
13 Co. or any comparable rating service.

14 A registrant must notify the Department of any change in
15 the information identified in paragraphs (1), (2), or (3) of
16 this subsection (a) at least annually or upon request of the
17 Department.

18 (b) Every applicant for a permit under this Act must submit
19 the following information to the Department on an application
20 form provided by the Department:

21 (1) the name and address of the applicant and any
22 parent, subsidiary, or affiliate thereof;

23 (2) the proposed well name and address and legal
24 description of the well site and its unit area;

25 (3) a statement whether the proposed location of the
26 well site is in compliance with the requirements of Section

1 1-25 of this Act and a plat, which shows the proposed
2 surface location of the well site, providing the distance
3 in feet, from the surface location of the well site to the
4 features described in subsection (a) of Section 1-25 of
5 this Act;

6 (4) a detailed description of the proposed well to be
7 used for the high volume horizontal hydraulic fracturing
8 operations including, but not limited to, the following
9 information:

10 (A) the approximate total depth to which the well
11 is to be drilled or deepened;

12 (B) the proposed angle and direction of the well;

13 (C) the actual depth or the approximate depth at
14 which the well to be drilled deviates from vertical;

15 (D) the angle and direction of any nonvertical
16 portion of the wellbore until the well reaches its
17 total target depth or its actual final depth; and

18 (E) the estimated length and direction of the
19 proposed horizontal lateral or wellbore;

20 (5) the estimated depth and elevation, according to the
21 most recent publication of the Illinois State Geological
22 Survey of Groundwater for the location of the well, of the
23 lowest potential fresh water along the entire length of the
24 proposed wellbore;

25 (6) a detailed description of the proposed high volume
26 horizontal hydraulic fracturing operations, including, but

1 not limited to, the following:

2 (A) the formation affected by the high volume
3 horizontal hydraulic fracturing operations, including,
4 but not limited to, geologic name and geologic
5 description of the formation that will be stimulated by
6 the operation;

7 (B) the anticipated surface treating pressure
8 range;

9 (C) the maximum anticipated injection treating
10 pressure;

11 (D) the estimated or calculated fracture pressure
12 of the producing and confining zones; and

13 (E) the planned depth of all proposed perforations
14 or depth to the top of the open hole section;

15 (7) a plat showing all known previous wellbores ~~well~~
16 ~~bores~~ within 750 feet of any part of the horizontal
17 wellbore ~~well bore~~ that penetrated within 400 vertical feet
18 of the formation that will be stimulated as part of the
19 high volume horizontal hydraulic fracturing operations;

20 (8) unless the applicant documents why the information
21 is not available at the time the application is submitted,
22 a chemical disclosure report identifying each chemical and
23 proppant anticipated to be used in hydraulic fracturing
24 fluid for each stage of the hydraulic fracturing operations
25 including the following:

26 (A) the total volume of water anticipated to be

1 used in the hydraulic fracturing treatment of the well
2 or the type and total volume of the base fluid
3 anticipated to be used in the hydraulic fracturing
4 treatment, if something other than water;

5 (B) each hydraulic fracturing additive anticipated
6 to be used in the hydraulic fracturing fluid, including
7 the trade name, vendor, a brief descriptor of the
8 intended use or function of each hydraulic fracturing
9 additive, and the Material Safety Data Sheet (MSDS), if
10 applicable;

11 (C) each chemical anticipated to be intentionally
12 added to the base fluid, including for each chemical,
13 the Chemical Abstracts Service number, if applicable;
14 and

15 (D) the anticipated concentration in the base
16 fluid, in percent by mass, of each chemical to be
17 intentionally added to the base fluid;

18 (9) a certification of compliance with the Water Use
19 Act of 1983 and applicable regional water supply plans;

20 (10) a fresh water withdrawal and management plan that
21 shall include the following information:

22 (A) the source of the water, such as surface or
23 groundwater, anticipated to be used for water
24 withdrawals, and the anticipated withdrawal location;

25 (B) the anticipated volume and rate of each water
26 withdrawal from each withdrawal location;

1 (C) the anticipated months when water withdrawals
2 shall be made from each withdrawal location;

3 (D) the methods to be used to minimize water
4 withdrawals as much as feasible; and

5 (E) the methods to be used for surface water
6 withdrawals to minimize adverse impact to aquatic
7 life.

8 Where a surface water source is wholly contained within
9 a single property, and the owner of the property expressly
10 agrees in writing to its use for water withdrawals, the
11 applicant is not required to include this surface water
12 source in the fresh water withdrawal and management plan;~~:-~~

13 (11) a plan for the handling, storage, transportation,
14 and disposal or reuse of hydraulic fracturing fluids and
15 hydraulic fracturing flowback. The plan shall identify the
16 specific Class II injection well or wells that will be used
17 to dispose of the hydraulic fracturing flowback. The plan
18 shall describe the capacity of the tanks to be used for the
19 capture and storage of flowback and of the lined reserve
20 pit to be used, if necessary, to temporarily store any
21 flowback in excess of the capacity of the tanks.
22 Identification of the Class II injection well or wells
23 shall be by name, identification number, and specific
24 location and shall include the date of the most recent
25 mechanical integrity test for each Class II injection well;

26 (12) a well site safety plan to address proper safety

1 measures to be employed during high volume horizontal
2 hydraulic fracturing operations for the protection of
3 persons on the site as well as the general public. Within
4 15 calendar days after submitting the permit application to
5 the Department, the applicant must provide a copy of the
6 plan to the county or counties in which hydraulic
7 fracturing operations will occur. Within 5 calendar days of
8 its receipt, the Department shall provide a copy of the
9 well site safety plan to the Office of the State Fire
10 Marshal;

11 (13) a containment plan describing the containment
12 practices and equipment to be used and the area of the well
13 site where containment systems will be employed, and within
14 5 calendar days of its receipt, the Department shall
15 provide a copy of the containment plan to the Office of the
16 State Fire Marshal;

17 (14) a casing and cementing plan that describes the
18 casing and cementing practices to be employed, including
19 the size of each string of pipe, the starting point, and
20 depth to which each string is to be set and the extent to
21 which each string is to be cemented;

22 (15) a traffic management plan that identifies the
23 anticipated roads, streets, and highways that will be used
24 for access to and egress from the well site. The traffic
25 management plan will include a point of contact to discuss
26 issues related to traffic management. Within 15 calendar

1 days after submitting the permit application to the
2 Department, the applicant must provide a copy of the
3 traffic management plan to the county or counties in which
4 the well site is located, and within 5 calendar days of its
5 receipt, the Department shall provide a copy of the traffic
6 management plan to the Office of the State Fire Marshal;

7 (16) the names and addresses of all owners of any real
8 property within 1,500 feet of the proposed well site, as
9 disclosed by the records in the office of the recorder of
10 the county or counties;

11 (17) drafts of the specific public notice and general
12 public notice as required by Section 1-40 of this Act;

13 (18) a statement that the well site at which the high
14 volume horizontal hydraulic fracturing operation will be
15 conducted will be restored in compliance with Section
16 240.1181 of Title 62 of the Illinois Administrative Code
17 and Section 1-95 of this Act;

18 (19) proof of insurance to cover injuries, damages, or
19 loss related to pollution in the amount of at least
20 \$5,000,000; and

21 (20) any other relevant information which the
22 Department may, by rule, require.

23 (c) Where an application is made to conduct high volume
24 horizontal fracturing operations at a well site located within
25 the limits of any city, village, or incorporated town, the
26 application shall state the name of the city, village, or

1 incorporated town and be accompanied with a certified copy of
2 the official consent for the hydraulic fracturing operations to
3 occur from the municipal authorities where the well site is
4 proposed to be located. No permit shall be issued unless
5 consent is secured and filed with the permit application. In
6 the event that an amended location is selected, the original
7 permit shall not be valid unless a new certified consent is
8 filed for the amended location.

9 (d) The hydraulic fracturing permit application shall be
10 accompanied by a bond as required by subsection (a) of Section
11 1-65 of this Act.

12 (e) Each application for a permit under this Act shall
13 include payment of a non-refundable fee of \$13,500. Of this
14 fee, \$11,000 shall be deposited into the Mines and Minerals
15 Regulatory Fund for the Department to use to administer and
16 enforce this Act and otherwise support the operations and
17 programs of the Office of Mines and Minerals. The remaining
18 \$2,500 shall be deposited into the Illinois Clean Water Fund
19 for the Agency to use to carry out its functions under this
20 Act. The Department shall not initiate its review of the permit
21 application until the applicable fee under this subsection (e)
22 has been submitted to and received by the Department.

23 (f) Each application submitted under this Act shall be
24 signed, under the penalty of perjury, by the applicant or the
25 applicant's designee who has been vested with the authority to
26 act on behalf of the applicant and has direct knowledge of the

1 information contained in the application and its attachments.
2 Any person signing an application shall also sign an affidavit
3 with the following certification:

4 "I certify, under penalty of perjury as provided by law
5 and under penalty of refusal, suspension, or revocation of
6 a high volume horizontal hydraulic fracturing permit, that
7 this application and all attachments are true, accurate,
8 and complete to the best of my knowledge."

9 (g) The permit application shall be submitted to the
10 Department in both electronic and hard copy format. The
11 electronic format shall be searchable.

12 (h) The application for a high volume horizontal hydraulic
13 fracturing permit may be submitted as a combined permit
14 application with the operator's application to drill on a form
15 as the Department shall prescribe. The combined application
16 must include the information required in this Section. If the
17 operator elects to submit a combined permit application,
18 information required by this Section that is duplicative of
19 information required for an application to drill is only
20 required to be provided once as part of the combined
21 application. The submission of a combined permit application
22 under this subsection shall not be interpreted to relieve the
23 applicant or the Department from complying with the
24 requirements of this Act or the Illinois Oil and Gas Act.

25 (i) Upon receipt of a permit application, the Department
26 shall have no more than 60 calendar days from the date it

1 receives the permit application to approve, with any conditions
2 the Department may find necessary, or reject the application
3 for the high volume horizontal hydraulic fracturing permit. The
4 applicant may waive, in writing, the 60-day deadline upon its
5 own initiative or in response to a request by the Department.

6 (j) If at any time during the review period the Department
7 determines that the permit application is not complete under
8 this Act, does not meet the requirements of this Section, or
9 requires additional information, the Department shall notify
10 the applicant in writing of the application's deficiencies and
11 allow the applicant to correct the deficiencies and provide the
12 Department any information requested to complete the
13 application. If the applicant fails to provide adequate
14 supplemental information within the review period, the
15 Department may reject the application.

16 (Source: P.A. 98-22, eff. 6-17-13; revised 11-12-13.)

17 (225 ILCS 732/1-60)

18 Sec. 1-60. High volume horizontal hydraulic fracturing
19 permit; denial, suspension, or revocation.

20 (a) The Department may suspend, revoke, or refuse to issue
21 a high volume horizontal hydraulic fracturing permit under this
22 Act for one or more of the following causes:

23 (1) providing incorrect, misleading, incomplete, or
24 materially untrue information in a permit application or
25 any document required to be filed with the Department;

1 (2) violating any condition of the permit;

2 (3) violating any provision of or any regulation
3 adopted under this Act or the Illinois Oil and Gas Act;

4 (4) using fraudulent, coercive, or dishonest
5 practices, or demonstrating incompetence,
6 untrustworthiness, or financial irresponsibility in the
7 conduct of business in this State or elsewhere;

8 (5) having a high volume horizontal hydraulic
9 fracturing permit, or its equivalent, revoked in any other
10 state, province, district, or territory for incurring a
11 material or major violation or using fraudulent or
12 dishonest practices; or

13 (6) an emergency condition exists under which conduct
14 of the high volume horizontal hydraulic fracturing
15 operations would pose a significant hazard to public
16 health, aquatic life, wildlife, or the environment.

17 (b) In every case in which a permit is suspended or
18 revoked, the Department shall serve notice of its action,
19 including a statement of the reasons for the action, either
20 personally or by certified mail, receipt return requested, to
21 the permittee.

22 (c) The order of suspension or revocation of a permit shall
23 take effect upon issuance of the order. The permittee may
24 request, in writing, within 30 days after the date of receiving
25 the notice, a hearing. Except as provided under subsection (d)
26 of this Section, in the event a hearing is requested, the order

1 shall remain in effect until a final order is entered pursuant
2 to the hearing.

3 (d) The order of suspension or revocation of a permit may
4 be stayed if requested by the permittee and evidence is
5 submitted demonstrating that there is no significant threat to
6 the public health, aquatic life, wildlife, or the environment
7 if the operation is allowed to continue.

8 (e) The hearing shall be held at a time and place
9 designated by the Department. The Director of the Department or
10 any administrative law judge designated by him or her has ~~have~~
11 the power to administer oaths and affirmations, subpoena
12 witnesses and compel their attendance, take evidence, and
13 require the production of books, papers, correspondence, and
14 other records or information that he or she considers relevant
15 or material.

16 (f) The costs of the administrative hearing shall be set by
17 rule and shall be borne by the permittee.

18 (g) The Department's decision to suspend or revoke a high
19 volume horizontal hydraulic fracturing permit is subject to
20 judicial review under the Administrative Review Law.

21 (Source: P.A. 98-22, eff. 6-17-13; revised 11-12-13.)

22 (225 ILCS 732/1-70)

23 Sec. 1-70. Well preparation, construction, and drilling.

24 (a) This Section shall apply to all horizontal wells that
25 are to be completed using high volume horizontal hydraulic

1 fracturing operations under a high volume horizontal hydraulic
2 fracturing permit. The requirements of this Section shall be in
3 addition to any other laws or rules regarding wells and well
4 sites.

5 (b) Site preparation standards shall be as follows:

6 (1) The access road to the well site must be located in
7 accordance with access rights identified in the Illinois
8 Oil and Gas Act and located as far as practical from
9 occupied structures, places of assembly, and property
10 lines of unleased property.

11 (2) Unless otherwise approved or directed by the
12 Department, all topsoil stripped to facilitate the
13 construction of the well pad and access roads must be
14 stockpiled, stabilized, and remain on site for use in
15 either partial or final reclamation. In the event it is
16 anticipated that the final reclamation shall take place in
17 excess of one year from drilling the well the topsoil may
18 be disposed of in any lawful manner provided the operator
19 reclaims the site with topsoil of similar characteristics
20 of the topsoil removed.

21 (3) Piping, conveyances, valves, and tanks in contact
22 with hydraulic fracturing fluid, hydraulic fracturing
23 flowback, or produced water must be constructed of
24 materials compatible with the composition of the hydraulic
25 fracturing fluid, hydraulic fracturing flowback, and
26 produced water.

1 (4) The improvement, construction, or repair of a
2 publicly owned highway or roadway, if undertaken by the
3 owner, operator, permittee, or any other private entity,
4 shall be performed using bidding procedures outlined in the
5 Illinois Department of Transportation rules governing
6 local roads and streets or applicable bidding requirements
7 outlined in the Illinois Procurement Code as though the
8 project were publicly funded.

9 (c) Site maintenance standards shall be as follows:

10 (1) Secondary containment is required for all fueling
11 tanks.

12 (2) Fueling tanks shall be subject to Section 1-25 of
13 this Act.

14 (3) Fueling tank filling operations shall be
15 supervised at the fueling truck and at the tank if the tank
16 is not visible to the fueling operator from the truck.

17 (4) Troughs, drip pads, or drip pans are required
18 beneath the fill port of a fueling tank during filling
19 operations if the fill port is not within the secondary
20 containment required by paragraph (1) of this subsection.

21 (d) All wells shall be constructed, and casing and
22 cementing activities shall be conducted, in a manner that shall
23 provide for control of the well at all times, prevent the
24 migration of oil, gas, and other fluids into the fresh water
25 and coal seams, and prevent pollution or diminution of fresh
26 water. In addition to any of the Department's casing and

1 cementing requirements, the following shall apply:

2 (1) All casings must conform to the current industry
3 standards published by the American Petroleum Institute.

4 (2) Casing thread compound and its use must conform to
5 the current industry standards published by the American
6 Petroleum Institute.

7 (3) Surface casing shall be centralized at the shoe,
8 above and below a stage collar or diverting tool, if run,
9 and through usable-quality water zones. In non-deviated
10 holes, pipe centralization as follows is required: a
11 centralizer shall be placed every fourth joint from the
12 cement shoe to the ground surface or to the bottom of the
13 cellar. All centralizers shall meet specifications in, or
14 equivalent to, API Spec ~~spec~~ 10D, Specification for
15 Bow-Spring Casing Centralizers; API Spec 10 TR4, Technical
16 Report on Considerations Regarding Selection of
17 Centralizers for Primary Cementing Operations; and API RP
18 10D-2, Recommended Practice for Centralizer Placement and
19 Stop Collar Testing. The Department may require additional
20 centralization as necessary to ensure the integrity of the
21 well design is adequate. All centralizers must conform to
22 the current industry standards published by the American
23 Petroleum Institute.

24 (4) Cement must conform to current industry standards
25 published by the American Petroleum Institute and the
26 cement slurry must be prepared to minimize its free water

1 content in accordance with the current industry standards
2 published by the American Petroleum Institute; the cement
3 must also:

4 (A) secure the casing in the wellbore;

5 (B) isolate and protect fresh groundwater;

6 (C) isolate abnormally pressured zones, lost
7 circulation zones, and any potential flow zones
8 including hydrocarbon and fluid-bearing zones;

9 (D) properly control formation pressure and any
10 pressure from drilling, completion and production;

11 (E) protect the casing from corrosion and
12 degradation; and

13 (F) prevent gas flow in the annulus.

14 (5) Prior to cementing any casing string, the borehole
15 must be circulated and conditioned to ensure an adequate
16 cement bond.

17 (6) A pre-flush or spacer must be pumped ahead of the
18 cement.

19 (7) The cement must be pumped at a rate and in a flow
20 regime that inhibits channeling of the cement in the
21 annulus.

22 (8) Cement compressive strength tests must be
23 performed on all surface, intermediate, and production
24 casing strings; after the cement is placed behind the
25 casing, the operator shall wait on cement to set until the
26 cement achieves a calculated compressive strength of at

1 least 500 pounds per square inch, and a minimum of 8 hours
2 before the casing is disturbed in any way, including
3 installation of a blowout preventer. The cement shall have
4 a 72-hour compressive strength of at least 1,200 psi, and
5 the free water separation shall be no more than 6
6 milliliters per 250 milliliters of cement, tested in
7 accordance with current American Petroleum ~~petroleum~~
8 Institute standards.

9 (9) A copy of the cement job log for any cemented
10 casing string in the well shall be maintained in the well
11 file and available to the Department upon request.

12 (10) Surface casing shall be used and set to a depth of
13 at least 200 feet, or 100 feet below the base of the
14 deepest fresh water, whichever is deeper, but no more than
15 200 feet below the base of the deepest fresh water and
16 prior to encountering any hydrocarbon-bearing zones. The
17 surface casing must be run and cemented as soon as
18 practicable after the hole has been adequately circulated
19 and conditioned.

20 (11) The Department must be notified at least 24 hours
21 prior to surface casing cementing operations. Surface
22 casing must be fully cemented to the surface with excess
23 cements. Cementing must be by the pump and plug method with
24 a minimum of 25% excess cement with appropriate lost
25 circulation material, unless another amount of excess
26 cement is approved by the Department. If cement returns are

1 not observed at the surface, the operator must perform
2 remedial actions as appropriate.

3 (12) Intermediate casing must be installed when
4 necessary to isolate fresh water not isolated by surface
5 casing and to seal off potential flow zones, anomalous
6 pressure zones, lost circulation zones and other drilling
7 hazards.

8 Intermediate casing must be set to protect fresh water
9 if surface casing was set above the base of the deepest
10 fresh water, if additional fresh water was found below the
11 surface casing shoe, or both. Intermediate casing used to
12 isolate fresh water must not be used as the production
13 string in the well in which it is installed, and may not be
14 perforated for purposes of conducting a hydraulic fracture
15 treatment through it.

16 When intermediate casing is installed to protect fresh
17 water, the operator shall set a full string of new
18 intermediate casing at least 100 feet below the base of the
19 deepest fresh water and bring cement to the surface. In
20 instances where intermediate casing was set solely to
21 protect fresh water encountered below the surface casing
22 shoe, and cementing to the surface is technically
23 infeasible, would result in lost circulation, or both,
24 cement must be brought to a minimum of 600 feet above the
25 shallowest fresh water zone encountered below the surface
26 casing shoe or to the surface if the fresh water zone is

1 less than 600 feet from the surface. The location and
2 depths of any hydrocarbon-bearing zones or fresh water
3 zones that are open to the wellbore above the casing shoe
4 must be confirmed by coring, electric logs, or testing and
5 must be reported to the Department.

6 In the case that intermediate casing was set for a
7 reason other than to protect strata that contains fresh
8 water, the intermediate casing string shall be cemented
9 from the shoe to a point at least 600 true vertical feet
10 above the shoe. If there is a hydrocarbon-bearing
11 ~~hydrocarbon-bearing~~ zone capable of producing exposed
12 above the intermediate casing shoe, the casing shall be
13 cemented from the shoe to a point at least 600 true
14 vertical feet above the shallowest hydrocarbon-bearing
15 ~~hydrocarbon-bearing~~ zone or to a point at least 200 feet
16 above the shoe of the next shallower casing string that was
17 set and cemented in the well (or to the surface if less
18 than 200 feet).

19 (13) The Department must be notified prior to
20 intermediate casing cementing operations. Cementing must
21 be by the pump and plug method with a minimum of 25% excess
22 cement. A radial cement bond evaluation log, or other
23 evaluation approved by the Department, must be run to
24 verify the cement bond on the intermediate casing. Remedial
25 cementing is required if the cement bond is not adequate
26 for drilling ahead.

1 (14) Production casing must be run and fully cemented
2 to 500 feet above the top perforated zone, if possible. The
3 Department must be notified at least 24 hours prior to
4 production casing cementing operations. Cementing must be
5 by the pump and plug method with a minimum of 25% excess
6 cement.

7 (15) At any time, the Department, as it deems
8 necessary, may require installation of an additional
9 cemented casing string or strings in the well.

10 (16) After the setting and cementing of a casing
11 string, except the conductor casing, and prior to further
12 drilling, the casing string shall be tested with fresh
13 water, mud, or brine to no less than 0.22 psi per foot of
14 casing string length or 1,500 psi, whichever is greater but
15 not to exceed 70% of the minimum internal yield, for at
16 least 30 minutes with less than a 5% pressure loss, except
17 that any casing string that will have pressure exerted on
18 it during stimulation of the well shall be tested to at
19 least the maximum anticipated treatment pressure. If the
20 pressure declines more than 5% or if there are other
21 indications of a leak, corrective action shall be taken
22 before conducting further drilling and high volume
23 horizontal hydraulic fracturing operations. The operator
24 shall contact the Department's District Office for any
25 county in which the well is located at least 24 hours prior
26 to conducting a pressure test to enable an inspector to be

1 present when the test is done. A record of the pressure
2 test must be maintained by the operator and must be
3 submitted to the Department on a form prescribed by the
4 Department prior to conducting high volume horizontal
5 hydraulic fracturing operations. The actual pressure must
6 not exceed the test pressure at any time during high volume
7 horizontal hydraulic fracturing operations.

8 (17) Any hydraulic fracturing string used in the high
9 volume horizontal hydraulic fracturing operations must be
10 either strung into a production liner or run with a packer
11 set at least 100 feet below the deepest cement top and must
12 be tested to not less than the maximum anticipated treating
13 pressure minus the annulus pressure applied between the
14 fracturing string and the production or immediate casing.
15 The pressure test shall be considered successful if the
16 pressure applied has been held for 30 minutes with no more
17 than 5% pressure loss. A function-tested relief valve and
18 diversion line must be installed and used to divert flow
19 from the hydraulic fracturing string-casing annulus to a
20 covered watertight steel tank in case of hydraulic
21 fracturing string failure. The relief valve must be set to
22 limit the annular pressure to no more than 95% of the
23 working pressure rating of the casings forming the annulus.
24 The annulus between the hydraulic fracturing string and
25 casing must be pressurized to at least 250 psi and
26 monitored.

1 (18) After a successful pressure test under paragraph
2 (16) of this subsection, a formation pressure integrity
3 test must be conducted below the surface casing and below
4 all intermediate casing. The operator shall notify the
5 Department's District Office for any county in which the
6 well is located at least 24 hours prior to conducting a
7 formation pressure integrity test to enable an inspector to
8 be present when the test is done. A record of the pressure
9 test must be maintained by the operator and must be
10 submitted to the Department on a form prescribed by the
11 Department prior to conducting high volume horizontal
12 hydraulic fracturing operations. The actual hydraulic
13 fracturing treatment pressure must not exceed the test
14 pressure at any time during high volume horizontal
15 hydraulic fracturing operations.

16 (e) Blowout prevention standards shall be set as follows:

17 (1) The operator shall use blowout prevention
18 equipment after setting casing with a competent casing
19 seat. Blowout prevention equipment shall be in good
20 working condition at all times.

21 (2) The operator shall use pipe fittings, valves,
22 and unions placed on or connected to the blow out
23 ~~blow-out~~ prevention systems that have a working
24 pressure capability that exceeds the anticipated
25 pressures.

26 (3) During all drilling and completion operations

1 when a blowout preventer is installed, tested, or in
2 use, the operator or operator's designated
3 representative shall be present at the well site and
4 that person or personnel shall have a current well
5 control certification from an accredited training
6 program that is acceptable to the Department. The
7 certification shall be available at the well site and
8 provided to the Department upon request.

9 (4) Appropriate pressure control procedures and
10 equipment in proper working order must be properly
11 installed and employed while conducting drilling and
12 completion operations including tripping, logging,
13 running casing into the well, and drilling out
14 solid-core stage plugs.

15 (5) Pressure testing of the blowout preventer and
16 related equipment for any drilling or completion
17 operation must be performed. Testing must be conducted
18 in accordance with current industry standards
19 published by the American Petroleum Institute. Testing
20 of the blowout preventer shall include testing after
21 the blowout preventer is installed on the well but
22 prior to drilling below the last cemented casing seat.
23 Pressure control equipment, including the blowout
24 preventer, that fails any pressure test shall not be
25 used until it is repaired and passes the pressure test.

26 (6) A remote blowout preventer actuator, that is

1 powered by a source other than rig hydraulics, shall be
2 located at least 50 feet from the wellhead and have an
3 appropriate rated working pressure.

4 (Source: P.A. 98-22, eff. 6-17-13; revised 11-14-13.)

5 (225 ILCS 732/1-75)

6 Sec. 1-75. High volume horizontal hydraulic fracturing
7 operations.

8 (a) General.

9 (1) During all phases of high volume horizontal
10 hydraulic fracturing operations, the permittee shall
11 comply with all terms of the permit.

12 (2) All phases of high volume horizontal hydraulic
13 fracturing operations shall be conducted in a manner that
14 shall not pose a significant risk to public health, life,
15 property, aquatic life, or wildlife.

16 (3) The permittee shall notify the Department by phone,
17 electronic communication, or letter, at least 48 hours
18 prior to the commencement of high volume horizontal
19 hydraulic fracturing operations.

20 (b) Integrity tests and monitoring.

21 (1) Before the commencement of high volume horizontal
22 hydraulic fracturing operations, all mechanical integrity
23 tests required under subsection (d) of Section 1-70 and
24 this subsection must be successfully completed.

25 (2) Prior to commencing high volume horizontal

1 hydraulic fracturing operations and pumping of hydraulic
2 fracturing fluid, the injection lines and manifold,
3 associated valves, fracture head or tree and any other
4 wellhead component or connection not previously tested
5 must be tested with fresh water, mud, or brine to at least
6 the maximum anticipated treatment pressure for at least 30
7 minutes with less than a 5% pressure loss. A record of the
8 pressure test must be maintained by the operator and made
9 available to the Department upon request. The actual high
10 volume horizontal hydraulic fracturing treatment pressure
11 must not exceed the test pressure at any time during high
12 volume horizontal hydraulic fracturing operations.

13 (3) The pressure exerted on treating equipment
14 including valves, lines, manifolds, hydraulic fracturing
15 head or tree, casing and hydraulic fracturing string, if
16 used, must not exceed 95% of the working pressure rating of
17 the weakest component. The high volume horizontal
18 hydraulic fracturing treatment pressure must not exceed
19 the test pressure of any given component at any time during
20 high volume horizontal hydraulic fracturing operations.

21 (4) During high volume horizontal hydraulic fracturing
22 operations, all annulus pressures, the injection pressure,
23 and the rate of injection shall be continuously monitored
24 and recorded. The records of the monitoring shall be
25 maintained by the operator and shall be provided to the
26 Department upon request at any time during the period up to

1 and including 5 years after the well is permanently plugged
2 or abandoned.

3 (5) High volume horizontal hydraulic fracturing
4 operations must be immediately suspended if any anomalous
5 pressure or flow condition or any other anticipated
6 pressure or flow condition is occurring in a way that
7 indicates the mechanical integrity of the well has been
8 compromised and continued operations pose a risk to the
9 environment. Remedial action shall be undertaken
10 immediately prior to recommencing high volume horizontal
11 hydraulic fracturing operations. The permittee shall
12 notify the Department within 1 hour of suspending
13 operations for any matters relating to the mechanical
14 integrity of the well or risk to the environment.

15 (c) Fluid and waste management.

16 (1) For the purposes of storage at the well site and
17 except as provided in paragraph (2) of this subsection,
18 hydraulic fracturing additives, hydraulic fracturing
19 fluid, hydraulic fracturing flowback, and produced water
20 shall be stored in above-ground tanks during all phases of
21 drilling, high volume horizontal hydraulic fracturing, and
22 production operations until removed for proper disposal.
23 For the purposes of centralized storage off site for
24 potential reuse prior to disposal, hydraulic fracturing
25 additives, hydraulic fracturing fluid, hydraulic
26 fracturing flowback, and produced water shall be stored in

1 above-ground tanks.

2 (2) In accordance with the plan required by paragraph
3 (11) of subsection (b) of Section 1-35 of this Act and as
4 approved by the Department, the use of a reserve pit is
5 allowed for the temporary storage of hydraulic fracturing
6 flowback. The reserve pit shall be used only in the event
7 of a lack of capacity for tank storage due to higher than
8 expected volume or rate of hydraulic fracturing flowback,
9 or other unanticipated flowback occurrence. Any reserve
10 pit must comply with the following construction standards
11 and liner specifications:

12 (A) the synthetic liner material shall have a
13 minimum thickness of 24 mils with high puncture and
14 tear strength and be impervious and resistant to
15 deterioration;

16 (B) the pit lining system shall be designed to have
17 a capacity at least equivalent to 110% of the maximum
18 volume of hydraulic fracturing flowback anticipated to
19 be recovered;

20 (C) the lined pit shall be constructed, installed,
21 and maintained in accordance with the manufacturers'
22 specifications and good engineering practices to
23 prevent overflow during any use;

24 (D) the liner shall have sufficient elongation to
25 cover the bottom and interior sides of the pit with the
26 edges secured with at least a 12 inch deep anchor

1 trench around the pit perimeter to prevent any slippage
2 or destruction of the liner materials; and

3 (E) the foundation for the liner shall be free of
4 rock and constructed with soil having a minimum
5 thickness of 12 inches after compaction covering the
6 entire bottom and interior sides of the pit.

7 (3) Fresh water may be stored in tanks or pits at the
8 election of the operator.

9 (4) Tanks required under this subsection must be
10 above-ground tanks that are closed, watertight, and will
11 resist corrosion. The permittee shall routinely inspect
12 the tanks for corrosion.

13 (5) Hydraulic fracturing fluids and hydraulic
14 fracturing flowback must be removed from the well site
15 within 60 days after completion of high volume horizontal
16 fracturing operations, except that any excess hydraulic
17 fracturing flowback captured for temporary storage in a
18 reserve pit as provided in paragraph (2) of this subsection
19 must be removed from the well site within 7 days.

20 (6) Tanks, piping, and conveyances, including valves,
21 must be constructed of suitable materials, be of sufficient
22 pressure rating, be able to resist corrosion, and be
23 maintained in a leak-free condition. Fluid transfer
24 operations from tanks to tanker trucks must be supervised
25 at the truck and at the tank if the tank is not visible to
26 the truck operator from the truck. During transfer

1 operations, all interconnecting piping must be supervised
2 if not visible to transfer personnel at the truck and tank.

3 (7) Hydraulic fracturing flowback must be tested for
4 volatile organic chemicals, semi-volatile organic
5 chemicals, inorganic chemicals, heavy metals, and
6 naturally occurring radioactive material prior to removal
7 from the site. Testing shall occur once per well site and
8 the analytical results shall be filed with the Department
9 and the Agency, and provided to the liquid oilfield waste
10 transportation and disposal operators. Prior to plugging
11 and site restoration, the ground adjacent to the storage
12 tanks and any hydraulic fracturing flowback reserve pit
13 must be measured for radioactivity.

14 (8) Hydraulic fracturing flowback may only be disposed
15 of by injection into a Class II injection well that is
16 below interface between fresh water and naturally
17 occurring Class IV groundwater. Produced water may be
18 disposed of by injection in a permitted enhanced oil
19 recovery operation. Hydraulic fracturing flowback and
20 produced water may be treated and recycled for use in
21 hydraulic fracturing fluid for high volume horizontal
22 hydraulic fracturing operations.

23 (9) Discharge of hydraulic fracturing fluids,
24 hydraulic fracturing flowback, and produced water into any
25 surface water or water drainage way is prohibited.

26 (10) Transport of all hydraulic fracturing fluids,

1 hydraulic fracturing flowback, and produced water by
2 vehicle for disposal must be undertaken by a liquid
3 oilfield waste hauler permitted by the Department under
4 Section 8c of the Illinois Oil and Gas Act. The liquid
5 oilfield waste hauler transporting hydraulic fracturing
6 fluids, hydraulic fracturing flowback, or produced water
7 under this Act shall comply with all laws, rules, and
8 regulations concerning liquid oilfield waste.

9 (11) Drill cuttings, drilling fluids, and drilling
10 wastes not containing oil-based mud or polymer-based mud
11 may be stored in tanks or pits. Pits used to store
12 cuttings, fluids, and drilling wastes from wells not using
13 fresh water mud shall be subject to the construction
14 standards identified in paragraph (2) of this subsection
15 (c) ~~Section~~. Drill cuttings not contaminated with
16 oil-based mud or polymer-based mud may be disposed of
17 onsite subject to the approval of the Department. Drill
18 cuttings contaminated with oil-based mud or polymer-based
19 mud shall not be disposed of onsite ~~on-site~~. Annular
20 disposal of drill cuttings or fluid is prohibited.

21 (12) Any release of hydraulic fracturing fluid,
22 hydraulic fracturing additive, or hydraulic fracturing
23 flowback, used or generated during or after high volume
24 horizontal hydraulic fracturing operations shall be
25 immediately cleaned up and remediated pursuant to
26 Department requirements. Any release of hydraulic

1 fracturing fluid or hydraulic fracturing flowback in
2 excess of 1 barrel, shall be reported to the Department.
3 Any release of a hydraulic fracturing additive shall be
4 reported to the Department in accordance with the
5 appropriate reportable quantity thresholds established
6 under the federal Emergency Planning and Community
7 Right-to-Know Act as published in the Code of Federal
8 Regulations (CFR), 40 CFR Parts 355, 370, and 372, the
9 federal Comprehensive Environmental Response,
10 Compensation, and Liability Act as published in 40 CFR Part
11 302, and subsection (r) of Section 112 of the federal
12 ~~Federal~~ Clean Air Act as published in 40 CFR Part 68. Any
13 release of produced water in excess of 5 barrels shall be
14 cleaned up, remediated, and reported pursuant to
15 Department requirements.

16 (13) Secondary containment for tanks required under
17 this subsection and additive staging areas is required.
18 Secondary containment measures may include, as deemed
19 appropriate by the Department, one or a combination of the
20 following: dikes, liners, pads, impoundments, curbs,
21 sumps, or other structures or equipment capable of
22 containing the substance. Any secondary containment must
23 be sufficient to contain 110% of the total capacity of the
24 single largest container or tank within a common
25 containment area. No more than one hour before initiating
26 any stage of the high volume horizontal hydraulic

1 fracturing operations, all secondary containment must be
2 visually inspected to ensure all structures and equipment
3 are in place and in proper working order. The results of
4 this inspection must be recorded and documented by the
5 operator, and available to the Department upon request.

6 (14) A report on the transportation and disposal of the
7 hydraulic fracturing fluids and hydraulic fracturing
8 flowback shall be prepared and included in the well file.
9 The report must include the amount of fluids transported,
10 identification of the company that transported the fluids,
11 the destination of the fluids, and the method of disposal.

12 (15) Operators operating wells permitted under this
13 Act must submit an annual report to the Department
14 detailing the management of any produced water associated
15 with the permitted well. The report shall be due to the
16 Department no later than April 30th of each year and shall
17 provide information on the operator's management of any
18 produced water for the prior calendar year. The report
19 shall contain information relative to the amount of
20 produced water the well permitted under this Act produced,
21 the method by which the produced water was disposed, and
22 the destination where the produced water was disposed in
23 addition to any other information the Department
24 determines is necessary by rule.

25 (d) Hydraulic fracturing fluid shall be confined to the
26 targeted formation designated in the permit. If the hydraulic

1 fracturing fluid or hydraulic fracturing flowback are
2 migrating into the freshwater zone or to the surface from the
3 well in question or from other wells, the permittee shall
4 immediately notify the Department and shut in the well until
5 remedial action that prevents the fluid migration is completed.
6 The permittee shall obtain the approval of the Department prior
7 to resuming operations.

8 (e) Emissions controls.

9 (1) This subsection applies to all horizontal wells
10 that are completed with high volume horizontal hydraulic
11 fracturing.

12 (2) Except as otherwise provided in paragraph (8) of
13 this subsection (e), permittees shall be responsible for
14 managing gas and hydrocarbon fluids produced during the
15 flowback period by routing recovered hydrocarbon fluids to
16 one or more storage vessels or re-injecting into the well
17 or another well, and routing recovered natural gas into a
18 flow line or collection system, re-injecting the gas into
19 the well or another well, using the gas as an on-site fuel
20 source, or using the gas for another useful purpose that a
21 purchased fuel or raw material would serve, with no direct
22 release to the atmosphere.

23 (3) If it is technically infeasible or economically
24 unreasonable to minimize emissions associated with the
25 venting of hydrocarbon fluids and natural gas during the
26 flowback period using the methods specified in paragraph

1 (2) of this subsection (e), the permittee shall capture and
2 direct the emissions to a completion combustion device,
3 except in conditions that may result in a fire hazard or
4 explosion, or where high heat emissions from a completion
5 combustion device may negatively impact waterways.
6 Completion combustion devices must be equipped with a
7 reliable continuous ignition source over the duration of
8 the flowback period.

9 (4) Except as otherwise provided in paragraph (8) of
10 this subsection (e), permittees shall be responsible for
11 minimizing the emissions associated with venting of
12 hydrocarbon fluids and natural gas during the production
13 phase by:

14 (A) routing the recovered fluids into storage
15 vessels and (i) routing the recovered gas into a gas
16 gathering line, collection system, or to a generator
17 for onsite energy generation, providing that gas to the
18 surface owner of the well site for use for heat or
19 energy generation, or (ii) using another method other
20 than venting or flaring; and

21 (B) employing sand traps, surge vessels,
22 separators, and tanks as soon as practicable during
23 cleanout operations to safely maximize resource
24 recovery and minimize releases to the environment.

25 (5) If the permittee establishes that it is technically
26 infeasible or economically unreasonable to minimize

1 emissions associated with the venting of hydrocarbon
2 fluids and natural gas during production using the methods
3 specified in paragraph (4) of this subsection (e), the
4 Department shall require the permittee to capture and
5 direct any natural gas produced during the production phase
6 to a flare. Any flare used pursuant to this paragraph shall
7 be equipped with a reliable continuous ignition source over
8 the duration of production. In order to establish technical
9 infeasibility or economic unreasonableness under this
10 paragraph (5), the permittee must demonstrate, for each
11 well site on an annual basis, that taking the actions
12 listed in paragraph (4) of this subsection (e) are not cost
13 effective based on a site-specific analysis. Permittees
14 that use a flare during the production phase for operations
15 other than emergency conditions shall file an updated
16 site-specific analysis annually with the Department. The
17 analysis shall be due one year from the date of the
18 previous submission and shall detail whether any changes
19 have occurred that alter the technical infeasibility or
20 economic unreasonableness of the permittee to reduce their
21 emissions in accordance with paragraph (4) of this
22 subsection (e).

23 (6) Uncontrolled emissions exceeding 6 tons per year
24 from storage tanks shall be recovered and routed to a flare
25 that is designed in accordance with 40 CFR 60.18 and is
26 certified by the manufacturer of the device. The permittee

1 shall maintain and operate the flare in accordance with
2 manufacturer specifications. Any flare used under this
3 paragraph must be equipped with a reliable continuous
4 ignition source over the duration of production.

5 (7) The Department may approve an exemption that waives
6 the flaring requirements of paragraphs (5) and (6) of this
7 subsection (e) only if the permittee demonstrates that the
8 use of the flare will pose a significant risk of injury or
9 property damage and that alternative methods of collection
10 will not threaten harm to the environment. In determining
11 whether to approve a waiver, the Department shall consider
12 the quantity of casinghead gas produced, the topographical
13 and climatological features at the well site, and the
14 proximity of agricultural structures, crops, inhabited
15 structures, public buildings, and public roads and
16 railways.

17 (8) For each wildcat well, delineation well, or low
18 pressure well, permittees shall be responsible for
19 minimizing the emissions associated with venting of
20 hydrocarbon fluids and natural gas during the flowback
21 period and production phase by capturing and directing the
22 emissions to a completion combustion device during the
23 flowback period and to a flare during the production phase,
24 except in conditions that may result in a fire hazard or
25 explosion, or where high heat emissions from a completion
26 combustion device or flare may negatively impact

1 waterways. Completion combustion devices and flares shall
2 be equipped with a reliable continuous ignition source over
3 the duration of the flowback period and the production
4 phase, as applicable.

5 (9) On or after July 1, 2015, all flares used under
6 paragraphs (5) and (8) of this subsection (e) shall (i)
7 operate with a combustion efficiency of at least 98% and in
8 accordance with 40 CFR 60.18; and (ii) be certified by the
9 manufacturer of the device. The permittee shall maintain
10 and operate the flare in accordance with manufacturer
11 specifications.

12 (10) Permittees shall employ practices for control of
13 fugitive dust related to their operations. These practices
14 shall include, but are not limited to, the use of speed
15 restrictions, regular road maintenance, and restriction of
16 construction activity during high-wind days. Additional
17 management practices such as road surfacing, wind breaks
18 and barriers, or automation of wells to reduce truck
19 traffic may also be required by the Department if
20 technologically feasible and economically reasonable to
21 minimize fugitive dust emissions.

22 (11) Permittees shall record and report to the
23 Department on an annual basis the amount of gas flared or
24 vented from each high volume horizontal hydraulic
25 fracturing well. Three years after the effective date of
26 the first high volume ~~high volume~~ horizontal hydraulic

1 fracturing well permit issued by the Department, and every
2 3 years thereafter, the Department shall prepare a report
3 that analyzes the amount of gas that has been flared or
4 vented and make recommendations to the General Assembly on
5 whether steps should be taken to reduce the amount of gas
6 that is being flared or vented in this State.

7 (f) High volume horizontal hydraulic fracturing operations
8 completion report. Within 60 calendar days after the conclusion
9 of high volume horizontal hydraulic fracturing operations, the
10 operator shall file a high volume horizontal hydraulic
11 fracturing operations completion report with the Department. A
12 copy of each completion report submitted to the Department
13 shall be provided by the Department to the Illinois State
14 Geological Survey. The completion reports required by this
15 Section shall be considered public information and shall be
16 made available on the Department's website. The high volume
17 horizontal hydraulic fracturing operations completion report
18 shall contain the following information:

19 (1) the permittee name as listed in the permit
20 application;

21 (2) the dates of the high volume horizontal hydraulic
22 fracturing operations;

23 (3) the county where the well is located;

24 (4) the well name and Department reference number;

25 (5) the total water volume used in the high volume
26 horizontal hydraulic fracturing operations of the well,

1 and the type and total volume of the base fluid used if
2 something other than water;

3 (6) each source from which the water used in the high
4 volume horizontal hydraulic fracturing operations was
5 drawn, and the specific location of each source, including,
6 but not limited to, the name of the county and latitude and
7 longitude coordinates;

8 (7) the quantity of hydraulic fracturing flowback
9 recovered from the well;

10 (8) a description of how hydraulic fracturing flowback
11 recovered from the well was disposed and, if applicable,
12 reused;

13 (9) a chemical disclosure report identifying each
14 chemical and proppant used in hydraulic fracturing fluid
15 for each stage of the hydraulic fracturing operations
16 including the following:

17 (A) the total volume of water used in the hydraulic
18 fracturing treatment of the well or the type and total
19 volume of the base fluid used in the hydraulic
20 fracturing treatment, if something other than water;

21 (B) each hydraulic fracturing additive used in the
22 hydraulic fracturing fluid, including the trade name,
23 vendor, a brief descriptor of the intended use or
24 function of each hydraulic fracturing additive, and
25 the Material Safety Data Sheet (MSDS), if applicable;

26 (C) each chemical intentionally added to the base

1 fluid, including for each chemical, the Chemical
2 Abstracts Service number, if applicable; and

3 (D) the actual concentration in the base fluid, in
4 percent by mass, of each chemical intentionally added
5 to the base fluid;

6 (10) all pressures recorded during the high volume
7 horizontal hydraulic fracturing operations; and

8 (11) any other reasonable or pertinent information
9 related to the conduct of the high volume horizontal
10 hydraulic fracturing operations the Department may request
11 or require by administrative rule.

12 (Source: P.A. 98-22, eff. 6-17-13; revised 11-12-13.)

13 (225 ILCS 732/1-95)

14 Sec. 1-95. Plugging; restoration.

15 (a) The permittee shall perform and complete plugging of
16 the well and restoration of the well site in accordance with
17 the Illinois Oil and Gas Act and any and all rules adopted
18 thereunder. The permittee shall bear all costs related to
19 plugging of the well and reclamation of the well site. If the
20 permittee fails to plug the well in accordance with this
21 Section, the owner of the well shall be responsible for
22 complying with this Section.

23 (b) Prior to conducting high volume horizontal hydraulic
24 fracturing operations at a well site, the permittee shall cause
25 to be plugged all previously unplugged wellbores ~~well bores~~

1 within 750 feet of any part of the horizontal wellbore ~~well~~
2 ~~bore~~ that penetrated within 400 vertical feet of the formation
3 that will be stimulated as part of the high volume horizontal
4 hydraulic fracturing operations.

5 (c) For well sites where high volume horizontal hydraulic
6 fracturing operations were permitted to occur, the operator
7 shall restore any lands used by the operator other than the
8 well site and production facility to a condition as closely
9 approximating the pre-drilling conditions that existed before
10 the land was disturbed for any stage of site preparation
11 activities, drilling, and high volume horizontal hydraulic
12 fracturing operations. Restoration shall be commenced within 6
13 months of completion of the well site and completed within 12
14 months. Restoration shall include, but is not limited to,
15 repair of tile lines, repair of fences and barriers, mitigation
16 of soil compaction and rutting, application of fertilizer or
17 lime to restore the fertility of disturbed soil, and repair of
18 soil conservation practices such as terraces and grassed
19 waterways.

20 (d) Unless contractually agreed to the contrary by the
21 permittee and surface owner, the permittee shall restore the
22 well site and production facility in accordance with the
23 applicable restoration requirements in subsection (c) of this
24 Section and shall remove all equipment and materials involved
25 in site preparation, drilling, and high volume horizontal
26 hydraulic fracturing operations, including tank batteries,

1 rock and concrete pads, oilfield ~~oil field~~ debris, injection
2 and flow lines at or above the surface, electric power lines
3 and poles extending on or above the surface, tanks, fluids,
4 pipes at or above the surface, secondary containment measures,
5 rock or concrete bases, drilling equipment and supplies, and
6 any and all other equipment, facilities, or materials used
7 during any stage of site preparation work, drilling, or
8 hydraulic fracturing operations at the well site. Work on the
9 removal of equipment and materials at the well site shall begin
10 within 6 months after plugging the final well on the well site
11 and be completed no later than 12 months after the last
12 producing well on the well site has been plugged. Roads
13 installed as part of the oil and gas operation may be left in
14 place if provided in the lease or pursuant to agreement with
15 the surface owner, as applicable.

16 (Source: P.A. 98-22, eff. 6-17-13; revised 11-12-13.)

17 Section 520. The Riverboat Gambling Act is amended by
18 changing Section 8 as follows:

19 (230 ILCS 10/8) (from Ch. 120, par. 2408)

20 Sec. 8. Suppliers licenses.

21 (a) The Board may issue a suppliers license to such
22 persons, firms or corporations which apply therefor upon the
23 payment of a non-refundable application fee set by the Board,
24 upon a determination by the Board that the applicant is

1 eligible for a suppliers license and upon payment of a \$5,000
2 annual license fee.

3 (b) The holder of a suppliers license is authorized to sell
4 or lease, and to contract to sell or lease, gambling equipment
5 and supplies to any licensee involved in the ownership or
6 management of gambling operations.

7 (c) Gambling supplies and equipment may not be distributed
8 unless supplies and equipment conform to standards adopted by
9 rules of the Board.

10 (d) A person, firm or corporation is ineligible to receive
11 a suppliers license if:

12 (1) the person has been convicted of a felony under the
13 laws of this State, any other state, or the United States;

14 (2) the person has been convicted of any violation of
15 Article 28 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, or substantially similar laws of any other
17 jurisdiction;

18 (3) the person has submitted an application for a
19 license under this Act which contains false information;

20 (4) the person is a member of the Board;

21 (5) the firm or corporation is one in which a person
22 defined in (1), (2), (3) or (4), is an officer, director or
23 managerial employee;

24 (6) the firm or corporation employs a person who
25 participates in the management or operation of riverboat
26 gambling authorized under this Act;

1 (7) the license of the person, firm or corporation
2 issued under this Act, or a license to own or operate
3 gambling facilities in any other jurisdiction, has been
4 revoked.

5 (e) Any person that supplies any equipment, devices, or
6 supplies to a licensed riverboat gambling operation must first
7 obtain a suppliers license. A supplier shall furnish to the
8 Board a list of all equipment, devices and supplies offered for
9 sale or lease in connection with gambling games authorized
10 under this Act. A supplier shall keep books and records for the
11 furnishing of equipment, devices and supplies to gambling
12 operations separate and distinct from any other business that
13 the supplier might operate. A supplier shall file a quarterly
14 return with the Board listing all sales and leases. A supplier
15 shall permanently affix its name or a distinctive logo or other
16 mark or design element identifying the manufacturer or supplier
17 to all its equipment, devices, and supplies, except gaming
18 chips without a value impressed, engraved, or imprinted on it,
19 for gambling operations. The Board may waive this requirement
20 for any specific product or products if it determines that the
21 requirement is not necessary to protect the integrity of the
22 game. Items purchased from a licensed supplier may continue to
23 be used even though the supplier subsequently changes its name,
24 distinctive logo, or other mark or design element; undergoes a
25 change in ownership; or ceases to be licensed as a supplier for
26 any reason. Any supplier's equipment, devices or supplies which

1 are used by any person in an unauthorized gambling operation
2 shall be forfeited to the State. A licensed owner may own its
3 own equipment, devices and supplies. Each holder of an owners
4 license under the Act shall file an annual report listing its
5 inventories of gambling equipment, devices and supplies.

6 (f) Any person who knowingly makes a false statement on an
7 application is guilty of a Class A misdemeanor.

8 (g) Any gambling equipment, devices and supplies provided
9 by any licensed supplier may either be repaired on the
10 riverboat or removed from the riverboat to an on-shore facility
11 owned by the holder of an owners license for repair.

12 (Source: P.A. 97-1150, eff. 1-25-13; 98-12, eff. 5-10-13;
13 revised 6-10-13.)

14 Section 525. The Raffles Act is amended by changing Section
15 8.1 as follows:

16 (230 ILCS 15/8.1) (from Ch. 85, par. 2308.1)

17 Sec. 8.1. ~~(a)~~ Political Committees.

18 (a) For the purposes of this Section the terms defined in
19 this subsection have the meanings given them.

20 "Net Proceeds" means the gross receipts from the conduct of
21 raffles, less reasonable sums expended for prizes, license fees
22 and other reasonable operating expenses incurred as a result of
23 operating a raffle.

24 "Raffle" means a form of lottery, as defined in Section

1 28-2 (b) of the Criminal Code of 2012, conducted by a political
2 committee licensed under this Section, in which:

3 (1) the player pays or agrees to pay something of value
4 for a chance, represented and differentiated by a number or
5 by a combination of numbers or by some other medium, one or
6 more of which chances is to be designated the winning
7 chance;

8 (2) the winning chance is to be determined through a
9 drawing or by some other method based on an element of
10 chance by an act or set of acts on the part of persons
11 conducting or connected with the lottery, except that the
12 winning chance shall not be determined by the outcome of a
13 publicly exhibited sporting contest.

14 "Unresolved claim" means a claim for civil penalty under
15 Sections 9-3, 9-10, and 9-23 of The Election Code which has
16 been begun by the State Board of Elections, has been disputed
17 by the political committee under the applicable rules of the
18 State Board of Elections, and has not been finally decided
19 either by the State Board of Elections, or, where application
20 for review has been made to the Courts of Illinois, remains
21 finally undecided by the Courts.

22 "Owes" means that a political committee has been finally
23 determined under applicable rules of the State Board of
24 Elections to be liable for a civil penalty under Sections 9-3,
25 9-10, and 9-23 of The Election Code.

26 (b) Licenses issued pursuant to this Section shall be valid

1 for one raffle or for a specified number of raffles to be
2 conducted during a specified period not to exceed one year and
3 may be suspended or revoked for any violation of this Section.
4 The State Board of Elections shall act on a license application
5 within 30 days from the date of application.

6 (c) Licenses issued by the State Board of Elections are
7 subject to the following restrictions:

8 (1) No political committee shall conduct raffles or
9 chances without having first obtained a license therefor
10 pursuant to this Section.

11 (2) The application for license shall be prepared in
12 accordance with regulations of the State Board of Elections
13 and must specify the area or areas within the State in
14 which raffle chances will be sold or issued, the time
15 period during which raffle chances will be sold or issued,
16 the time of determination of winning chances and the
17 location or locations at which winning chances will be
18 determined.

19 (3) A license authorizes the licensee to conduct
20 raffles as defined in this Section.

21 The following are ineligible for any license under this
22 Section:

23 (i) any political committee which has an officer
24 who has been convicted of a felony;

25 (ii) any political committee which has an officer
26 who is or has been a professional gambler or gambling

1 promoter;

2 (iii) any political committee which has an officer
3 who is not of good moral character;

4 (iv) any political committee which has an officer
5 who is also an officer of a firm or corporation in
6 which a person defined in (i), (ii) or (iii) has a
7 proprietary, equitable or credit interest, or in which
8 such a person is active or employed;

9 (v) any political committee in which a person
10 defined in (i), (ii) or (iii) is an officer, director,
11 or employee, whether compensated or not;

12 (vi) any political committee in which a person
13 defined in (i), (ii) or (iii) is to participate in the
14 management or operation of a raffle as defined in this
15 Section;

16 (vii) any committee which, at the time of its
17 application for a license to conduct a raffle, owes the
18 State Board of Elections any unpaid civil penalty
19 authorized by Sections 9-3, 9-10, and 9-23 of The
20 Election Code, or is the subject of an unresolved claim
21 for a civil penalty under Sections 9-3, 9-10, and 9-23
22 of The Election Code;

23 (viii) any political committee which, at the time
24 of its application to conduct a raffle, has not
25 submitted any report or document required to be filed
26 by Article 9 of The Election Code and such report or

1 document is more than 10 days overdue.

2 (d) (1) The conducting of raffles is subject to the
3 following restrictions:

4 (i) The entire net proceeds of any raffle must be
5 exclusively devoted to the lawful purposes of the
6 political committee permitted to conduct that game.

7 (ii) No person except a bona fide member of the
8 political committee may participate in the management
9 or operation of the raffle.

10 (iii) No person may receive any remuneration or
11 profit for participating in the management or
12 operation of the raffle.

13 (iv) Raffle chances may be sold or issued only
14 within the area specified on the license and winning
15 chances may be determined only at those locations
16 specified on the license.

17 (v) A person under the age of 18 years may
18 participate in the conducting of raffles or chances
19 only with the permission of a parent or guardian. A
20 person under the age of 18 years may be within the area
21 where winning chances are being determined only when
22 accompanied by his parent or guardian.

23 (2) If a lessor rents premises where a winning chance
24 or chances on a raffle are determined, the lessor shall not
25 be criminally liable if the person who uses the premises
26 for the determining of winning chances does not hold a

1 license issued under the provisions of this Section.

2 (e) (1) Each political committee licensed to conduct
3 raffles and chances shall keep records of its gross
4 receipts, expenses and net proceeds for each single
5 gathering or occasion at which winning chances are
6 determined. All deductions from gross receipts for each
7 single gathering or occasion shall be documented with
8 receipts or other records indicating the amount, a
9 description of the purchased item or service or other
10 reason for the deduction, and the recipient. The
11 distribution of net proceeds shall be itemized as to payee,
12 purpose, amount and date of payment.

13 (2) Each political committee licensed to conduct
14 raffles shall report on the next report due to be filed
15 under Article 9 of The Election Code its gross receipts,
16 expenses and net proceeds from raffles, and the
17 distribution of net proceeds itemized as required in this
18 subsection.

19 Such reports shall be included in the regular reports
20 required of political committees by Article 9 of The Election
21 Code.

22 (3) Records required by this subsection shall be
23 preserved for 3 years, and political committees shall make
24 available their records relating to operation of raffles
25 for public inspection at reasonable times and places.

26 (f) Violation of any provision of this Section is a Class C

1 misdemeanor.

2 (g) Nothing in this Section shall be construed to authorize
3 the conducting or operating of any gambling scheme, enterprise,
4 activity or device other than raffles as provided for herein.

5 (Source: P.A. 97-1150, eff. 1-25-13; revised 11-12-13.)

6 Section 530. The Video Gaming Act is amended by changing
7 Sections 5, 15, 25, and 45 as follows:

8 (230 ILCS 40/5)

9 Sec. 5. Definitions. As used in this Act:

10 "Board" means the Illinois Gaming Board.

11 "Credit" means one, 5, 10, or 25 cents either won or
12 purchased by a player.

13 "Distributor" means an individual, partnership,
14 corporation, or limited liability company licensed under this
15 Act to buy, sell, lease, or distribute video gaming terminals
16 or major components or parts of video gaming terminals to or
17 from terminal operators.

18 "Electronic card" means a card purchased from a licensed
19 establishment, licensed fraternal establishment, licensed
20 veterans establishment, or licensed truck stop establishment
21 for use in that establishment as a substitute for cash in the
22 conduct of gaming on a video gaming terminal.

23 "Electronic voucher" means a voucher printed by an
24 electronic video game machine that is redeemable in the

1 licensed establishment for which it was issued.

2 "Terminal operator" means an individual, partnership,
3 corporation, or limited liability company that is licensed
4 under this Act and that owns, services, and maintains video
5 gaming terminals for placement in licensed establishments,
6 licensed truck stop establishments, licensed fraternal
7 establishments, or licensed veterans establishments.

8 "Licensed technician" means an individual who is licensed
9 under this Act to repair, service, and maintain video gaming
10 terminals.

11 "Licensed terminal handler" means a person, including but
12 not limited to an employee or independent contractor working
13 for a manufacturer, distributor, supplier, technician, or
14 terminal operator, who is licensed under this Act to possess or
15 control a video gaming terminal or to have access to the inner
16 workings of a video gaming terminal. A licensed terminal
17 handler does not include an individual, partnership,
18 corporation, or limited liability company defined as a
19 manufacturer, distributor, supplier, technician, or terminal
20 operator under this Act.

21 "Manufacturer" means an individual, partnership,
22 corporation, or limited liability company that is licensed
23 under this Act and that manufactures or assembles video gaming
24 terminals.

25 "Supplier" means an individual, partnership, corporation,
26 or limited liability company that is licensed under this Act to

1 supply major components or parts to video gaming terminals to
2 licensed terminal operators.

3 "Net terminal income" means money put into a video gaming
4 terminal minus credits paid out to players.

5 "Video gaming terminal" means any electronic video game
6 machine that, upon insertion of cash, electronic cards or
7 vouchers, or any combination thereof, ~~electronic voucher, or~~
8 ~~any combination thereof,~~ is available to play or simulate the
9 play of a video game, including but not limited to video poker,
10 line up, and blackjack, as authorized by the Board utilizing a
11 video display and microprocessors in which the player may
12 receive free games or credits that can be redeemed for cash.
13 The term does not include a machine that directly dispenses
14 coins, cash, or tokens or is for amusement purposes only.

15 "Licensed establishment" means any licensed retail
16 establishment where alcoholic liquor is drawn, poured, mixed,
17 or otherwise served for consumption on the premises, whether
18 the establishment operates on a nonprofit or for-profit basis.

19 "Licensed establishment" includes any such establishment that
20 has a contractual relationship with an inter-track wagering
21 location licensee licensed under the Illinois Horse Racing Act
22 of 1975, provided any contractual relationship shall not
23 include any transfer or offer of revenue from the operation of
24 video gaming under this Act to any licensee licensed under the
25 Illinois Horse Racing Act of 1975. Provided, however, that the
26 licensed establishment that has such a contractual

1 relationship with an inter-track wagering location licensee
2 may not, itself, be (i) an inter-track wagering location
3 licensee, (ii) the corporate parent or subsidiary of any
4 licensee licensed under the Illinois Horse Racing Act of 1975,
5 or (iii) the corporate subsidiary of a corporation that is also
6 the corporate parent or subsidiary of any licensee licensed
7 under the Illinois Horse Racing Act of 1975. "Licensed
8 establishment" does not include a facility operated by an
9 organization licensee, an inter-track wagering licensee, or an
10 inter-track wagering location licensee licensed under the
11 Illinois Horse Racing Act of 1975 or a riverboat licensed under
12 the Riverboat Gambling Act, except as provided in this
13 paragraph. The changes made to this definition by Public Act
14 98-587 ~~this amendatory Act of the 98th General Assembly~~ are
15 declarative of existing law.

16 "Licensed fraternal establishment" means the location
17 where a qualified fraternal organization that derives its
18 charter from a national fraternal organization regularly
19 meets.

20 "Licensed veterans establishment" means the location where
21 a qualified veterans organization that derives its charter from
22 a national veterans organization regularly meets.

23 "Licensed truck stop establishment" means a facility (i)
24 that is at least a 3-acre facility with a convenience store,
25 (ii) with separate diesel islands for fueling commercial motor
26 vehicles, (iii) that sells at retail more than 10,000 gallons

1 of diesel or biodiesel fuel per month, and (iv) with parking
2 spaces for commercial motor vehicles. "Commercial motor
3 vehicles" has the same meaning as defined in Section 18b-101 of
4 the Illinois Vehicle Code. The requirement of item (iii) of
5 this paragraph may be met by showing that estimated future
6 sales or past sales average at least 10,000 gallons per month.
7 (Source: P.A. 97-333, eff. 8-12-11; 98-31, eff. 6-24-13;
8 98-582, eff. 8-27-13; 98-587, eff. 8-27-13; revised 9-19-13.)

9 (230 ILCS 40/15)

10 Sec. 15. Minimum requirements for licensing and
11 registration. Every video gaming terminal offered for play
12 shall first be tested and approved pursuant to the rules of the
13 Board, and each video gaming terminal offered in this State for
14 play shall conform to an approved model. For the examination of
15 video gaming machines and associated equipment as required by
16 this Section, the Board may utilize the services of one or more
17 independent outside testing laboratories that have been
18 accredited by a national accreditation body and that, in the
19 judgment of the Board, are qualified to perform such
20 examinations. Every video gaming terminal offered in this State
21 for play must meet minimum standards set by an independent
22 outside testing laboratory approved by the Board. Each approved
23 model shall, at a minimum, meet the following criteria:

24 (1) It must conform to all requirements of federal law
25 and regulations, including FCC Class A Emissions

1 Standards.

2 (2) It must theoretically pay out a mathematically
3 demonstrable percentage during the expected lifetime of
4 the machine of all amounts played, which must not be less
5 than 80%. The Board shall establish a maximum payout
6 percentage for approved models by rule. Video gaming
7 terminals that may be affected by skill must meet this
8 standard when using a method of play that will provide the
9 greatest return to the player over a period of continuous
10 play.

11 (3) It must use a random selection process to determine
12 the outcome of each play of a game. The random selection
13 process must meet 99% confidence limits using a standard
14 chi-squared test for (randomness) goodness of fit.

15 (4) It must display an accurate representation of the
16 game outcome.

17 (5) It must not automatically alter pay tables or any
18 function of the video gaming terminal based on internal
19 computation of hold percentage or have any means of
20 manipulation that affects the random selection process or
21 probabilities of winning a game.

22 (6) It must not be adversely affected by static
23 discharge or other electromagnetic interference.

24 (7) It must be capable of detecting and displaying the
25 following conditions during idle states or on demand: power
26 reset; door open; and door just closed.

1 (8) It must have the capacity to display complete play
2 history (outcome, intermediate play steps, credits
3 available, bets placed, credits paid, and credits cashed
4 out) for the most recent game played and 10 games prior
5 thereto.

6 (9) The theoretical payback percentage of a video
7 gaming terminal must not be capable of being changed
8 without making a hardware or software change in the video
9 gaming terminal, either on site or via the central
10 communications system.

11 (10) Video gaming terminals must be designed so that
12 replacement of parts or modules required for normal
13 maintenance does not necessitate replacement of the
14 electromechanical meters.

15 (11) It must have nonresettable meters housed in a
16 locked area of the terminal that keep a permanent record of
17 all cash inserted into the machine, all winnings made by
18 the terminal printer, credits played in for video gaming
19 terminals, and credits won by video gaming players. The
20 video gaming terminal must provide the means for on-demand
21 display of stored information as determined by the Board.

22 (12) Electronically stored meter information required
23 by this Section must be preserved for a minimum of 180 days
24 after a power loss to the service.

25 (13) It must have one or more mechanisms that accept
26 cash in the form of bills. The mechanisms shall be designed

1 to prevent obtaining credits without paying by stringing,
2 slamming, drilling, or other means. If such attempts at
3 physical tampering are made, the video gaming terminal
4 shall suspend itself from operating until reset.

5 (14) It shall have accounting software that keeps an
6 electronic record which includes, but is not limited to,
7 the following: total cash inserted into the video gaming
8 terminal; the value of winning tickets claimed by players;
9 the total credits played; the total credits awarded by a
10 video gaming terminal; and pay back percentage credited to
11 players of each video game.

12 (15) It shall be linked by a central communications
13 system to provide auditing program information as approved
14 by the Board. The central communications system shall use a
15 standard industry protocol, as defined by the Gaming
16 Standards Association, and shall have the functionality to
17 enable the Board or its designee to activate or deactivate
18 individual gaming devices from the central communications
19 system. In no event may the communications system approved
20 by the Board limit participation to only one manufacturer
21 of video gaming terminals by either the cost in
22 implementing the necessary program modifications to
23 communicate or the inability to communicate with the
24 central communications system.

25 (16) The Board, in its discretion, may require video
26 gaming terminals to display Amber Alert messages if the

1 Board makes a finding that it would be economically and
2 technically feasible and pose no risk to the integrity and
3 security of the central communications system and video
4 gaming terminals.

5 The Board may adopt rules to establish additional criteria
6 to preserve the integrity and security of video gaming in this
7 State. The central communications system vendor may be licensed
8 as a video gaming terminal manufacturer or a video gaming
9 terminal distributor, or both, but in no event shall the
10 central communications system vendor be licensed as a video
11 gaming terminal operator.

12 The Board shall not permit the development of information
13 or the use by any licensee of gaming device or individual game
14 performance data. Nothing in this Act shall inhibit or prohibit
15 the Board from the use of gaming device or individual game
16 performance data in its regulatory duties. The Board shall
17 adopt rules to ensure that all licensees are treated and all
18 licensees act in a non-discriminatory manner and develop
19 processes and penalties to enforce those rules.

20 (Source: P.A. 98-31, eff. 6-24-13; 98-377, eff. 1-1-14; 98-582,
21 eff. 8-27-13; revised 9-19-13.)

22 (230 ILCS 40/25)

23 Sec. 25. Restriction of licensees.

24 (a) Manufacturer. A person may not be licensed as a
25 manufacturer of a video gaming terminal in Illinois unless the

1 person has a valid manufacturer's license issued under this
2 Act. A manufacturer may only sell video gaming terminals for
3 use in Illinois to persons having a valid distributor's
4 license.

5 (b) Distributor. A person may not sell, distribute, or
6 lease or market a video gaming terminal in Illinois unless the
7 person has a valid distributor's license issued under this Act.
8 A distributor may only sell video gaming terminals for use in
9 Illinois to persons having a valid distributor's or terminal
10 operator's license.

11 (c) Terminal operator. A person may not own, maintain, or
12 place a video gaming terminal unless he has a valid terminal
13 operator's license issued under this Act. A terminal operator
14 may only place video gaming terminals for use in Illinois in
15 licensed establishments, licensed truck stop establishments,
16 licensed fraternal establishments, and licensed veterans
17 establishments. No terminal operator may give anything of
18 value, including but not limited to a loan or financing
19 arrangement, to a licensed establishment, licensed truck stop
20 establishment, licensed fraternal establishment, or licensed
21 veterans establishment as any incentive or inducement to locate
22 video terminals in that establishment. Of the after-tax profits
23 from a video gaming terminal, 50% shall be paid to the terminal
24 operator and 50% shall be paid to the licensed establishment,
25 licensed truck stop establishment, licensed fraternal
26 establishment, or licensed veterans establishment,

1 notwithstanding any agreement to the contrary. A video terminal
2 operator that violates one or more requirements of this
3 subsection is guilty of a Class 4 felony and is subject to
4 termination of his or her license by the Board.

5 (d) Licensed technician. A person may not service,
6 maintain, or repair a video gaming terminal in this State
7 unless he or she (1) has a valid technician's license issued
8 under this Act, (2) is a terminal operator, or (3) is employed
9 by a terminal operator, distributor, or manufacturer.

10 (d-5) Licensed terminal handler. No person, including, but
11 not limited to, an employee or independent contractor working
12 for a manufacturer, distributor, supplier, technician, or
13 terminal operator licensed pursuant to this Act, shall have
14 possession or control of a video gaming terminal, or access to
15 the inner workings of a video gaming terminal, unless that
16 person possesses a valid terminal handler's license issued
17 under this Act.

18 (e) Licensed establishment. No video gaming terminal may be
19 placed in any licensed establishment, licensed veterans
20 establishment, licensed truck stop establishment, or licensed
21 fraternal establishment unless the owner or agent of the owner
22 of the licensed establishment, licensed veterans
23 establishment, licensed truck stop establishment, or licensed
24 fraternal establishment has entered into a written use
25 agreement with the terminal operator for placement of the
26 terminals. A copy of the use agreement shall be on file in the

1 terminal operator's place of business and available for
2 inspection by individuals authorized by the Board. A licensed
3 establishment, licensed truck stop establishment, licensed
4 veterans establishment, or licensed fraternal establishment
5 may operate up to 5 video gaming terminals on its premises at
6 any time.

7 (f) (Blank).

8 (g) Financial interest restrictions. As used in this Act,
9 "substantial interest" in a partnership, a corporation, an
10 organization, an association, a business, or a limited
11 liability company means:

12 (A) When, with respect to a sole proprietorship, an
13 individual or his or her spouse owns, operates, manages, or
14 conducts, directly or indirectly, the organization,
15 association, or business, or any part thereof; or

16 (B) When, with respect to a partnership, the individual
17 or his or her spouse shares in any of the profits, or
18 potential profits, of the partnership activities; or

19 (C) When, with respect to a corporation, an individual
20 or his or her spouse is an officer or director, or the
21 individual or his or her spouse is a holder, directly or
22 beneficially, of 5% or more of any class of stock of the
23 corporation; or

24 (D) When, with respect to an organization not covered
25 in (A), (B) or (C) above, an individual or his or her
26 spouse is an officer or manages the business affairs, or

1 the individual or his or her spouse is the owner of or
2 otherwise controls 10% or more of the assets of the
3 organization; or

4 (E) When an individual or his or her spouse furnishes
5 5% or more of the capital, whether in cash, goods, or
6 services, for the operation of any business, association,
7 or organization during any calendar year; or

8 (F) When, with respect to a limited liability company,
9 an individual or his or her spouse is a member, or the
10 individual or his or her spouse is a holder, directly or
11 beneficially, of 5% or more of the membership interest of
12 the limited liability company.

13 For purposes of this subsection (g), "individual" includes
14 all individuals or their spouses whose combined interest would
15 qualify as a substantial interest under this subsection (g) and
16 whose activities with respect to an organization, association,
17 or business are so closely aligned or coordinated as to
18 constitute the activities of a single entity.

19 (h) Location restriction. A licensed establishment,
20 licensed truck stop establishment, licensed fraternal
21 establishment, or licensed veterans establishment that is (i)
22 located within 1,000 feet of a facility operated by an
23 organization licensee licensed under the Illinois Horse Racing
24 Act of 1975 or the home dock of a riverboat licensed under the
25 Riverboat Gambling Act or (ii) located within 100 feet of a
26 school or a place of worship under the Religious Corporation

1 Act, is ineligible to operate a video gaming terminal. The
2 location restrictions in this subsection (h) do not apply if
3 (A) a facility operated by an organization licensee, a school,
4 or a place of worship moves to or is established within the
5 restricted area after a licensed establishment, licensed truck
6 stop establishment, licensed fraternal establishment, or
7 licensed veterans establishment becomes licensed under this
8 Act or (B) a school or place of worship moves to or is
9 established within the restricted area after a licensed
10 establishment, licensed truck stop establishment, licensed
11 fraternal establishment, or licensed veterans establishment
12 obtains its original liquor license. For the purpose of this
13 subsection, "school" means an elementary or secondary public
14 school, or an elementary or secondary private school registered
15 with or recognized by the State Board of Education.

16 Notwithstanding the provisions of this subsection (h), the
17 Board may waive the requirement that a licensed establishment,
18 licensed truck stop establishment, licensed fraternal
19 establishment, or licensed veterans establishment not be
20 located within 1,000 feet from a facility operated by an
21 organization licensee ~~or~~ licensed under the Illinois Horse
22 Racing Act of 1975 or the home dock of a riverboat licensed
23 under the Riverboat Gambling Act. The Board shall not grant
24 such waiver if there is any common ownership or control, shared
25 business activity, or contractual arrangement of any type
26 between the establishment and the organization licensee or

1 owners licensee of a riverboat. The Board shall adopt rules to
2 implement the provisions of this paragraph.

3 (i) Undue economic concentration. In addition to
4 considering all other requirements under this Act, in deciding
5 whether to approve the operation of video gaming terminals by a
6 terminal operator in a location, the Board shall consider the
7 impact of any economic concentration of such operation of video
8 gaming terminals. The Board shall not allow a terminal operator
9 to operate video gaming terminals if the Board determines such
10 operation will result in undue economic concentration. For
11 purposes of this Section, "undue economic concentration" means
12 that a terminal operator would have such actual or potential
13 influence over video gaming terminals in Illinois as to:

14 (1) substantially impede or suppress competition among
15 terminal operators;

16 (2) adversely impact the economic stability of the
17 video gaming industry in Illinois; or

18 (3) negatively impact the purposes of the Video Gaming
19 Act.

20 The Board shall adopt rules concerning undue economic
21 concentration with respect to the operation of video gaming
22 terminals in Illinois. The rules shall include, but not be
23 limited to, (i) limitations on the number of video gaming
24 terminals operated by any terminal operator within a defined
25 geographic radius and (ii) guidelines on the discontinuation of
26 operation of any such video gaming terminals the Board

1 determines will cause undue economic concentration.

2 (j) The provisions of the Illinois Antitrust Act are fully
3 and equally applicable to the activities of any licensee under
4 this Act.

5 (Source: P.A. 97-333, eff. 8-12-11; 98-31, eff. 6-24-13; 98-77,
6 eff. 7-15-13; 98-112, eff. 7-26-13; revised 10-17-13.)

7 (230 ILCS 40/45)

8 Sec. 45. Issuance of license.

9 (a) The burden is upon each applicant to demonstrate his
10 suitability for licensure. Each video gaming terminal
11 manufacturer, distributor, supplier, operator, handler,
12 licensed establishment, licensed truck stop establishment,
13 licensed fraternal establishment, and licensed veterans
14 establishment shall be licensed by the Board. The Board may
15 issue or deny a license under this Act to any person pursuant
16 to the same criteria set forth in Section 9 of the Riverboat
17 Gambling Act.

18 (a-5) The Board shall not grant a license to a person who
19 has facilitated, enabled, or participated in the use of
20 coin-operated devices for gambling purposes or who is under the
21 significant influence or control of such a person. For the
22 purposes of this Act, "facilitated, enabled, or participated in
23 the use of coin-operated amusement devices for gambling
24 purposes" means that the person has been convicted of any
25 violation of Article 28 of the Criminal Code of 1961 or the

1 Criminal Code of 2012. If there is pending legal action against
2 a person for any such violation, then the Board shall delay the
3 licensure of that person until the legal action is resolved.

4 (b) Each person seeking and possessing a license as a video
5 gaming terminal manufacturer, distributor, supplier, operator,
6 handler, licensed establishment, licensed truck stop
7 establishment, licensed fraternal establishment, or licensed
8 veterans establishment shall submit to a background
9 investigation conducted by the Board with the assistance of the
10 State Police or other law enforcement. To the extent that the
11 corporate structure of the applicant allows, the background
12 investigation shall include any or all of the following as the
13 Board deems appropriate or as provided by rule for each
14 category of licensure: (i) each beneficiary of a trust, (ii)
15 each partner of a partnership, (iii) each member of a limited
16 liability company, (iv) each director and officer of a publicly
17 or non-publicly held corporation, (v) each stockholder of a
18 non-publicly held corporation, (vi) each stockholder of 5% or
19 more of a publicly held corporation, or (vii) each stockholder
20 of 5% or more in a parent or subsidiary corporation.

21 (c) Each person seeking and possessing a license as a video
22 gaming terminal manufacturer, distributor, supplier, operator,
23 handler, licensed establishment, licensed truck stop
24 establishment, licensed fraternal establishment, or licensed
25 veterans establishment shall disclose the identity of every
26 person, association, trust, corporation, or limited liability

1 company having a greater than 1% direct or indirect pecuniary
2 interest in the video gaming terminal operation for which the
3 license is sought. If the disclosed entity is a trust, the
4 application shall disclose the names and addresses of the
5 beneficiaries; if a corporation, the names and addresses of all
6 stockholders and directors; if a limited liability company, the
7 names and addresses of all members; or if a partnership, the
8 names and addresses of all partners, both general and limited.

9 (d) No person may be licensed as a video gaming terminal
10 manufacturer, distributor, supplier, operator, handler,
11 licensed establishment, licensed truck stop establishment,
12 licensed fraternal establishment, or licensed veterans
13 establishment if that person has been found by the Board to:

14 (1) have a background, including a criminal record,
15 reputation, habits, social or business associations, or
16 prior activities that pose a threat to the public interests
17 of the State or to the security and integrity of video
18 gaming;

19 (2) create or enhance the dangers of unsuitable,
20 unfair, or illegal practices, methods, and activities in
21 the conduct of video gaming; or

22 (3) present questionable business practices and
23 financial arrangements incidental to the conduct of video
24 gaming activities.

25 (e) Any applicant for any license under this Act has the
26 burden of proving his or her qualifications to the satisfaction

1 of the Board. The Board may adopt rules to establish additional
2 qualifications and requirements to preserve the integrity and
3 security of video gaming in this State.

4 (f) A non-refundable application fee shall be paid at the
5 time an application for a license is filed with the Board in
6 the following amounts:

- 7 (1) Manufacturer \$5,000
- 8 (2) Distributor..... \$5,000
- 9 (3) Terminal operator..... \$5,000
- 10 (4) Supplier \$2,500
- 11 (5) Technician \$100
- 12 (6) Terminal Handler \$50

13 (g) The Board shall establish an annual fee for each
14 license not to exceed the following:

- 15 (1) Manufacturer \$10,000
- 16 (2) Distributor..... \$10,000
- 17 (3) Terminal operator..... \$5,000
- 18 (4) Supplier \$2,000
- 19 (5) Technician \$100
- 20 (6) Licensed establishment, licensed truck stop
21 establishment, licensed fraternal establishment,
22 or licensed veterans establishment \$100
- 23 (7) Video gaming terminal..... \$100
- 24 (8) Terminal Handler \$50

25 (h) A terminal operator and a licensed establishment,
26 licensed truck stop establishment, licensed fraternal

1 establishment, or licensed veterans establishment shall
2 equally split the fees specified in item (7) of subsection (g).
3 (Source: P.A. 97-1150, eff. 1-25-13; 98-31, eff. 6-24-13;
4 98-587, eff. 8-27-13; revised 9-19-13.)

5 Section 535. The Liquor Control Act of 1934 is amended by
6 changing Sections 5-1, 6-2, 6-6, 6-15, and 7-1 as follows:

7 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

8 Sec. 5-1. Licenses issued by the Illinois Liquor Control
9 Commission shall be of the following classes:

10 (a) Manufacturer's license - Class 1. Distiller, Class 2.
11 Rectifier, Class 3. Brewer, Class 4. First Class Wine
12 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
13 First Class Winemaker, Class 7. Second Class Winemaker, Class
14 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
15 10. Craft Brewer,

16 (b) Distributor's license,

17 (c) Importing Distributor's license,

18 (d) Retailer's license,

19 (e) Special Event Retailer's license (not-for-profit),

20 (f) Railroad license,

21 (g) Boat license,

22 (h) Non-Beverage User's license,

23 (i) Wine-maker's premises license,

24 (j) Airplane license,

- 1 (k) Foreign importer's license,
- 2 (l) Broker's license,
- 3 (m) Non-resident dealer's license,
- 4 (n) Brew Pub license,
- 5 (o) Auction liquor license,
- 6 (p) Caterer retailer license,
- 7 (q) Special use permit license,
- 8 (r) Winery shipper's license.

9 No person, firm, partnership, corporation, or other legal
10 business entity that is engaged in the manufacturing of wine
11 may concurrently obtain and hold a wine-maker's license and a
12 wine manufacturer's license.

13 (a) A manufacturer's license shall allow the manufacture,
14 importation in bulk, storage, distribution and sale of
15 alcoholic liquor to persons without the State, as may be
16 permitted by law and to licensees in this State as follows:

17 Class 1. A Distiller may make sales and deliveries of
18 alcoholic liquor to distillers, rectifiers, importing
19 distributors, distributors and non-beverage users and to no
20 other licensees.

21 Class 2. A Rectifier, who is not a distiller, as defined
22 herein, may make sales and deliveries of alcoholic liquor to
23 rectifiers, importing distributors, distributors, retailers
24 and non-beverage users and to no other licensees.

25 Class 3. A Brewer may make sales and deliveries of beer to
26 importing distributors and distributors and may make sales as

1 authorized under subsection (e) of Section 6-4 of this Act.

2 Class 4. A first class wine-manufacturer may make sales and
3 deliveries of up to 50,000 gallons of wine to manufacturers,
4 importing distributors and distributors, and to no other
5 licensees.

6 Class 5. A second class Wine manufacturer may make sales
7 and deliveries of more than 50,000 gallons of wine to
8 manufacturers, importing distributors and distributors and to
9 no other licensees.

10 Class 6. A first-class wine-maker's license shall allow the
11 manufacture of up to 50,000 gallons of wine per year, and the
12 storage and sale of such wine to distributors in the State and
13 to persons without the State, as may be permitted by law. A
14 person who, prior to the effective date of this amendatory Act
15 of the 95th General Assembly, is a holder of a first-class
16 wine-maker's license and annually produces more than 25,000
17 gallons of its own wine and who distributes its wine to
18 licensed retailers shall cease this practice on or before July
19 1, 2008 in compliance with this amendatory Act of the 95th
20 General Assembly.

21 Class 7. A second-class wine-maker's license shall allow
22 the manufacture of between 50,000 and 150,000 gallons of wine
23 per year, and the storage and sale of such wine to distributors
24 in this State and to persons without the State, as may be
25 permitted by law. A person who, prior to the effective date of
26 this amendatory Act of the 95th General Assembly, is a holder

1 of a second-class wine-maker's license and annually produces
2 more than 25,000 gallons of its own wine and who distributes
3 its wine to licensed retailers shall cease this practice on or
4 before July 1, 2008 in compliance with this amendatory Act of
5 the 95th General Assembly.

6 Class 8. A limited wine-manufacturer may make sales and
7 deliveries not to exceed 40,000 gallons of wine per year to
8 distributors, and to non-licensees in accordance with the
9 provisions of this Act.

10 Class 9. A craft distiller license shall allow the
11 manufacture of up to 30,000 gallons of spirits by distillation
12 for one year after the effective date of this amendatory Act of
13 the 97th General Assembly and up to 35,000 gallons of spirits
14 by distillation per year thereafter and the storage of such
15 spirits. If a craft distiller licensee is not affiliated with
16 any other manufacturer, then the craft distiller licensee may
17 sell such spirits to distributors in this State and up to 2,500
18 gallons of such spirits to non-licensees to the extent
19 permitted by any exemption approved by the Commission pursuant
20 to Section 6-4 of this Act.

21 Any craft distiller licensed under this Act who on the
22 effective date of this amendatory Act of the 96th General
23 Assembly was licensed as a distiller and manufactured no more
24 spirits than permitted by this Section shall not be required to
25 pay the initial licensing fee.

26 Class 10. A craft brewer's license, which may only be

1 issued to a licensed brewer or licensed non-resident dealer,
2 shall allow the manufacture of up to 930,000 gallons of beer
3 per year. A craft brewer licensee may make sales and deliveries
4 to importing distributors and distributors and to retail
5 licensees in accordance with the conditions set forth in
6 paragraph (18) of subsection (a) of Section 3-12 of this Act.

7 (a-1) A manufacturer which is licensed in this State to
8 make sales or deliveries of alcoholic liquor to licensed
9 distributors or importing distributors and which enlists
10 agents, representatives, or individuals acting on its behalf
11 who contact licensed retailers on a regular and continual basis
12 in this State must register those agents, representatives, or
13 persons acting on its behalf with the State Commission.

14 Registration of agents, representatives, or persons acting
15 on behalf of a manufacturer is fulfilled by submitting a form
16 to the Commission. The form shall be developed by the
17 Commission and shall include the name and address of the
18 applicant, the name and address of the manufacturer he or she
19 represents, the territory or areas assigned to sell to or
20 discuss pricing terms of alcoholic liquor, and any other
21 questions deemed appropriate and necessary. All statements in
22 the forms required to be made by law or by rule shall be deemed
23 material, and any person who knowingly misstates any material
24 fact under oath in an application is guilty of a Class B
25 misdemeanor. Fraud, misrepresentation, false statements,
26 misleading statements, evasions, or suppression of material

1 facts in the securing of a registration are grounds for
2 suspension or revocation of the registration. The State
3 Commission shall post a list of registered agents on the
4 Commission's website.

5 (b) A distributor's license shall allow the wholesale
6 purchase and storage of alcoholic liquors and sale of alcoholic
7 liquors to licensees in this State and to persons without the
8 State, as may be permitted by law.

9 (c) An importing distributor's license may be issued to and
10 held by those only who are duly licensed distributors, upon the
11 filing of an application by a duly licensed distributor, with
12 the Commission and the Commission shall, without the payment of
13 any fee, immediately issue such importing distributor's
14 license to the applicant, which shall allow the importation of
15 alcoholic liquor by the licensee into this State from any point
16 in the United States outside this State, and the purchase of
17 alcoholic liquor in barrels, casks or other bulk containers and
18 the bottling of such alcoholic liquors before resale thereof,
19 but all bottles or containers so filled shall be sealed,
20 labeled, stamped and otherwise made to comply with all
21 provisions, rules and regulations governing manufacturers in
22 the preparation and bottling of alcoholic liquors. The
23 importing distributor's license shall permit such licensee to
24 purchase alcoholic liquor from Illinois licensed non-resident
25 dealers and foreign importers only.

26 (d) A retailer's license shall allow the licensee to sell

1 and offer for sale at retail, only in the premises specified in
2 the license, alcoholic liquor for use or consumption, but not
3 for resale in any form. Nothing in this amendatory Act of the
4 95th General Assembly shall deny, limit, remove, or restrict
5 the ability of a holder of a retailer's license to transfer,
6 deliver, or ship alcoholic liquor to the purchaser for use or
7 consumption subject to any applicable local law or ordinance.
8 Any retail license issued to a manufacturer shall only permit
9 the manufacturer to sell beer at retail on the premises
10 actually occupied by the manufacturer. For the purpose of
11 further describing the type of business conducted at a retail
12 licensed premises, a retailer's licensee may be designated by
13 the State Commission as (i) an on premise consumption retailer,
14 (ii) an off premise sale retailer, or (iii) a combined on
15 premise consumption and off premise sale retailer.

16 Notwithstanding any other provision of this subsection
17 (d), a retail licensee may sell alcoholic liquors to a special
18 event retailer licensee for resale to the extent permitted
19 under subsection (e).

20 (e) A special event retailer's license (not-for-profit)
21 shall permit the licensee to purchase alcoholic liquors from an
22 Illinois licensed distributor (unless the licensee purchases
23 less than \$500 of alcoholic liquors for the special event, in
24 which case the licensee may purchase the alcoholic liquors from
25 a licensed retailer) and shall allow the licensee to sell and
26 offer for sale, at retail, alcoholic liquors for use or

1 consumption, but not for resale in any form and only at the
2 location and on the specific dates designated for the special
3 event in the license. An applicant for a special event retailer
4 license must (i) furnish with the application: (A) a resale
5 number issued under Section 2c of the Retailers' Occupation Tax
6 Act or evidence that the applicant is registered under Section
7 2a of the Retailers' Occupation Tax Act, (B) a current, valid
8 exemption identification number issued under Section 1g of the
9 Retailers' Occupation Tax Act, and a certification to the
10 Commission that the purchase of alcoholic liquors will be a
11 tax-exempt purchase, or (C) a statement that the applicant is
12 not registered under Section 2a of the Retailers' Occupation
13 Tax Act, does not hold a resale number under Section 2c of the
14 Retailers' Occupation Tax Act, and does not hold an exemption
15 number under Section 1g of the Retailers' Occupation Tax Act,
16 in which event the Commission shall set forth on the special
17 event retailer's license a statement to that effect; (ii)
18 submit with the application proof satisfactory to the State
19 Commission that the applicant will provide dram shop liability
20 insurance in the maximum limits; and (iii) show proof
21 satisfactory to the State Commission that the applicant has
22 obtained local authority approval.

23 (f) A railroad license shall permit the licensee to import
24 alcoholic liquors into this State from any point in the United
25 States outside this State and to store such alcoholic liquors
26 in this State; to make wholesale purchases of alcoholic liquors

1 directly from manufacturers, foreign importers, distributors
2 and importing distributors from within or outside this State;
3 and to store such alcoholic liquors in this State; provided
4 that the above powers may be exercised only in connection with
5 the importation, purchase or storage of alcoholic liquors to be
6 sold or dispensed on a club, buffet, lounge or dining car
7 operated on an electric, gas or steam railway in this State;
8 and provided further, that railroad licensees exercising the
9 above powers shall be subject to all provisions of Article VIII
10 of this Act as applied to importing distributors. A railroad
11 license shall also permit the licensee to sell or dispense
12 alcoholic liquors on any club, buffet, lounge or dining car
13 operated on an electric, gas or steam railway regularly
14 operated by a common carrier in this State, but shall not
15 permit the sale for resale of any alcoholic liquors to any
16 licensee within this State. A license shall be obtained for
17 each car in which such sales are made.

18 (g) A boat license shall allow the sale of alcoholic liquor
19 in individual drinks, on any passenger boat regularly operated
20 as a common carrier on navigable waters in this State or on any
21 riverboat operated under the Riverboat Gambling Act, which boat
22 or riverboat maintains a public dining room or restaurant
23 thereon.

24 (h) A non-beverage user's license shall allow the licensee
25 to purchase alcoholic liquor from a licensed manufacturer or
26 importing distributor, without the imposition of any tax upon

1 the business of such licensed manufacturer or importing
 2 distributor as to such alcoholic liquor to be used by such
 3 licensee solely for the non-beverage purposes set forth in
 4 subsection (a) of Section 8-1 of this Act, and such licenses
 5 shall be divided and classified and shall permit the purchase,
 6 possession and use of limited and stated quantities of
 7 alcoholic liquor as follows:

- 8 Class 1, not to exceed 500 gallons
- 9 Class 2, not to exceed 1,000 gallons
- 10 Class 3, not to exceed 5,000 gallons
- 11 Class 4, not to exceed 10,000 gallons
- 12 Class 5, not to exceed 50,000 gallons

13 (i) A wine-maker's premises license shall allow a licensee
 14 that concurrently holds a first-class wine-maker's license to
 15 sell and offer for sale at retail in the premises specified in
 16 such license not more than 50,000 gallons of the first-class
 17 wine-maker's wine that is made at the first-class wine-maker's
 18 licensed premises per year for use or consumption, but not for
 19 resale in any form. A wine-maker's premises license shall allow
 20 a licensee who concurrently holds a second-class wine-maker's
 21 license to sell and offer for sale at retail in the premises
 22 specified in such license up to 100,000 gallons of the
 23 second-class wine-maker's wine that is made at the second-class
 24 wine-maker's licensed premises per year for use or consumption
 25 but not for resale in any form. A wine-maker's premises license
 26 shall allow a licensee that concurrently holds a first-class

1 wine-maker's license or a second-class wine-maker's license to
2 sell and offer for sale at retail at the premises specified in
3 the wine-maker's premises license, for use or consumption but
4 not for resale in any form, any beer, wine, and spirits
5 purchased from a licensed distributor. Upon approval from the
6 State Commission, a wine-maker's premises license shall allow
7 the licensee to sell and offer for sale at (i) the wine-maker's
8 licensed premises and (ii) at up to 2 additional locations for
9 use and consumption and not for resale. Each location shall
10 require additional licensing per location as specified in
11 Section 5-3 of this Act. A wine-maker's premises licensee shall
12 secure liquor liability insurance coverage in an amount at
13 least equal to the maximum liability amounts set forth in
14 subsection (a) of Section 6-21 of this Act.

15 (j) An airplane license shall permit the licensee to import
16 alcoholic liquors into this State from any point in the United
17 States outside this State and to store such alcoholic liquors
18 in this State; to make wholesale purchases of alcoholic liquors
19 directly from manufacturers, foreign importers, distributors
20 and importing distributors from within or outside this State;
21 and to store such alcoholic liquors in this State; provided
22 that the above powers may be exercised only in connection with
23 the importation, purchase or storage of alcoholic liquors to be
24 sold or dispensed on an airplane; and provided further, that
25 airplane licensees exercising the above powers shall be subject
26 to all provisions of Article VIII of this Act as applied to

1 importing distributors. An airplane licensee shall also permit
2 the sale or dispensing of alcoholic liquors on any passenger
3 airplane regularly operated by a common carrier in this State,
4 but shall not permit the sale for resale of any alcoholic
5 liquors to any licensee within this State. A single airplane
6 license shall be required of an airline company if liquor
7 service is provided on board aircraft in this State. The annual
8 fee for such license shall be as determined in Section 5-3.

9 (k) A foreign importer's license shall permit such licensee
10 to purchase alcoholic liquor from Illinois licensed
11 non-resident dealers only, and to import alcoholic liquor other
12 than in bulk from any point outside the United States and to
13 sell such alcoholic liquor to Illinois licensed importing
14 distributors and to no one else in Illinois; provided that (i)
15 the foreign importer registers with the State Commission every
16 brand of alcoholic liquor that it proposes to sell to Illinois
17 licensees during the license period, (ii) the foreign importer
18 complies with all of the provisions of Section 6-9 of this Act
19 with respect to registration of such Illinois licensees as may
20 be granted the right to sell such brands at wholesale, and
21 (iii) the foreign importer complies with the provisions of
22 Sections 6-5 and 6-6 of this Act to the same extent that these
23 provisions apply to manufacturers.

24 (l) (i) A broker's license shall be required of all persons
25 who solicit orders for, offer to sell or offer to supply
26 alcoholic liquor to retailers in the State of Illinois, or who

1 offer to retailers to ship or cause to be shipped or to make
2 contact with distillers, rectifiers, brewers or manufacturers
3 or any other party within or without the State of Illinois in
4 order that alcoholic liquors be shipped to a distributor,
5 importing distributor or foreign importer, whether such
6 solicitation or offer is consummated within or without the
7 State of Illinois.

8 No holder of a retailer's license issued by the Illinois
9 Liquor Control Commission shall purchase or receive any
10 alcoholic liquor, the order for which was solicited or offered
11 for sale to such retailer by a broker unless the broker is the
12 holder of a valid broker's license.

13 The broker shall, upon the acceptance by a retailer of the
14 broker's solicitation of an order or offer to sell or supply or
15 deliver or have delivered alcoholic liquors, promptly forward
16 to the Illinois Liquor Control Commission a notification of
17 said transaction in such form as the Commission may by
18 regulations prescribe.

19 (ii) A broker's license shall be required of a person
20 within this State, other than a retail licensee, who, for a fee
21 or commission, promotes, solicits, or accepts orders for
22 alcoholic liquor, for use or consumption and not for resale, to
23 be shipped from this State and delivered to residents outside
24 of this State by an express company, common carrier, or
25 contract carrier. This Section does not apply to any person who
26 promotes, solicits, or accepts orders for wine as specifically

1 authorized in Section 6-29 of this Act.

2 A broker's license under this subsection (1) shall not
3 entitle the holder to buy or sell any alcoholic liquors for his
4 own account or to take or deliver title to such alcoholic
5 liquors.

6 This subsection (1) shall not apply to distributors,
7 employees of distributors, or employees of a manufacturer who
8 has registered the trademark, brand or name of the alcoholic
9 liquor pursuant to Section 6-9 of this Act, and who regularly
10 sells such alcoholic liquor in the State of Illinois only to
11 its registrants thereunder.

12 Any agent, representative, or person subject to
13 registration pursuant to subsection (a-1) of this Section shall
14 not be eligible to receive a broker's license.

15 (m) A non-resident dealer's license shall permit such
16 licensee to ship into and warehouse alcoholic liquor into this
17 State from any point outside of this State, and to sell such
18 alcoholic liquor to Illinois licensed foreign importers and
19 importing distributors and to no one else in this State;
20 provided that (i) said non-resident dealer shall register with
21 the Illinois Liquor Control Commission each and every brand of
22 alcoholic liquor which it proposes to sell to Illinois
23 licensees during the license period, (ii) it shall comply with
24 all of the provisions of Section 6-9 hereof with respect to
25 registration of such Illinois licensees as may be granted the
26 right to sell such brands at wholesale, and (iii) the

1 non-resident dealer shall comply with the provisions of
2 Sections 6-5 and 6-6 of this Act to the same extent that these
3 provisions apply to manufacturers.

4 (n) A brew pub license shall allow the licensee (i) to
5 manufacture beer only on the premises specified in the license,
6 (ii) to make sales of the beer manufactured on the premises or,
7 with the approval of the Commission, beer manufactured on
8 another brew pub licensed premises that is substantially owned
9 and operated by the same licensee to importing distributors,
10 distributors, and to non-licensees for use and consumption,
11 (iii) to store the beer upon the premises, and (iv) to sell and
12 offer for sale at retail from the licensed premises, provided
13 that a brew pub licensee shall not sell for off-premises
14 consumption more than 50,000 gallons per year. A person who
15 holds a brew pub license may simultaneously hold a craft brewer
16 license if he or she otherwise qualifies for the craft brewer
17 license and the craft brewer license is for a location separate
18 from the brew pub's licensed premises. A brew pub license shall
19 permit a person who has received prior approval from the
20 Commission to annually transfer no more than a total of 50,000
21 gallons of beer manufactured on premises to all other licensed
22 brew pubs that are substantially owned and operated by the same
23 person.

24 (o) A caterer retailer license shall allow the holder to
25 serve alcoholic liquors as an incidental part of a food service
26 that serves prepared meals which excludes the serving of snacks

1 as the primary meal, either on or off-site whether licensed or
2 unlicensed.

3 (p) An auction liquor license shall allow the licensee to
4 sell and offer for sale at auction wine and spirits for use or
5 consumption, or for resale by an Illinois liquor licensee in
6 accordance with provisions of this Act. An auction liquor
7 license will be issued to a person and it will permit the
8 auction liquor licensee to hold the auction anywhere in the
9 State. An auction liquor license must be obtained for each
10 auction at least 14 days in advance of the auction date.

11 (q) A special use permit license shall allow an Illinois
12 licensed retailer to transfer a portion of its alcoholic liquor
13 inventory from its retail licensed premises to the premises
14 specified in the license hereby created, and to sell or offer
15 for sale at retail, only in the premises specified in the
16 license hereby created, the transferred alcoholic liquor for
17 use or consumption, but not for resale in any form. A special
18 use permit license may be granted for the following time
19 periods: one day or less; 2 or more days to a maximum of 15 days
20 per location in any 12 month period. An applicant for the
21 special use permit license must also submit with the
22 application proof satisfactory to the State Commission that the
23 applicant will provide dram shop liability insurance to the
24 maximum limits and have local authority approval.

25 (r) A winery shipper's license shall allow a person with a
26 first-class or second-class wine manufacturer's license, a

1 first-class or second-class wine-maker's license, or a limited
2 wine manufacturer's license or who is licensed to make wine
3 under the laws of another state to ship wine made by that
4 licensee directly to a resident of this State who is 21 years
5 of age or older for that resident's personal use and not for
6 resale. Prior to receiving a winery shipper's license, an
7 applicant for the license must provide the Commission with a
8 true copy of its current license in any state in which it is
9 licensed as a manufacturer of wine. An applicant for a winery
10 shipper's license must also complete an application form that
11 provides any other information the Commission deems necessary.
12 The application form shall include an acknowledgement
13 consenting to the jurisdiction of the Commission, the Illinois
14 Department of Revenue, and the courts of this State concerning
15 the enforcement of this Act and any related laws, rules, and
16 regulations, including authorizing the Department of Revenue
17 and the Commission to conduct audits for the purpose of
18 ensuring compliance with this amendatory Act.

19 A winery shipper licensee must pay to the Department of
20 Revenue the State liquor gallonage tax under Section 8-1 for
21 all wine that is sold by the licensee and shipped to a person
22 in this State. For the purposes of Section 8-1, a winery
23 shipper licensee shall be taxed in the same manner as a
24 manufacturer of wine. A licensee who is not otherwise required
25 to register under the Retailers' Occupation Tax Act must
26 register under the Use Tax Act to collect and remit use tax to

1 the Department of Revenue for all gallons of wine that are sold
2 by the licensee and shipped to persons in this State. If a
3 licensee fails to remit the tax imposed under this Act in
4 accordance with the provisions of Article VIII of this Act, the
5 winery shipper's license shall be revoked in accordance with
6 the provisions of Article VII of this Act. If a licensee fails
7 to properly register and remit tax under the Use Tax Act or the
8 Retailers' Occupation Tax Act for all wine that is sold by the
9 winery shipper and shipped to persons in this State, the winery
10 shipper's license shall be revoked in accordance with the
11 provisions of Article VII of this Act.

12 A winery shipper licensee must collect, maintain, and
13 submit to the Commission on a semi-annual basis the total
14 number of cases per resident of wine shipped to residents of
15 this State. A winery shipper licensed under this subsection (r)
16 must comply with the requirements of Section 6-29 of this
17 amendatory Act.

18 (Source: P.A. 97-5, eff. 6-1-11; 97-455, eff. 8-19-11; 97-813,
19 eff. 7-13-12; 97-1166, eff. 3-1-13; 98-394, eff. 8-16-13;
20 98-401, eff. 8-16-13; revised 9-12-13.)

21 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

22 Sec. 6-2. Issuance of licenses to certain persons
23 prohibited.

24 (a) Except as otherwise provided in subsection (b) of this
25 Section and in paragraph (1) of subsection (a) of Section 3-12,

1 no license of any kind issued by the State Commission or any
2 local commission shall be issued to:

3 (1) A person who is not a resident of any city, village
4 or county in which the premises covered by the license are
5 located; except in case of railroad or boat licenses.

6 (2) A person who is not of good character and
7 reputation in the community in which he resides.

8 (3) A person who is not a citizen of the United States.

9 (4) A person who has been convicted of a felony under
10 any Federal or State law, unless the Commission determines
11 that such person has been sufficiently rehabilitated to
12 warrant the public trust after considering matters set
13 forth in such person's application and the Commission's
14 investigation. The burden of proof of sufficient
15 rehabilitation shall be on the applicant.

16 (5) A person who has been convicted of keeping a place
17 of prostitution or keeping a place of juvenile
18 prostitution, promoting prostitution that involves keeping
19 a place of prostitution, or promoting juvenile
20 prostitution that involves keeping a place of juvenile
21 prostitution.

22 (6) A person who has been convicted of pandering or
23 other crime or misdemeanor opposed to decency and morality.

24 (7) A person whose license issued under this Act has
25 been revoked for cause.

26 (8) A person who at the time of application for renewal

1 of any license issued hereunder would not be eligible for
2 such license upon a first application.

3 (9) A copartnership, if any general partnership
4 thereof, or any limited partnership thereof, owning more
5 than 5% of the aggregate limited partner interest in such
6 copartnership would not be eligible to receive a license
7 hereunder for any reason other than residence within the
8 political subdivision, unless residency is required by
9 local ordinance.

10 (10) A corporation or limited liability company, if any
11 member, officer, manager or director thereof, or any
12 stockholder or stockholders owning in the aggregate more
13 than 5% of the stock of such corporation, would not be
14 eligible to receive a license hereunder for any reason
15 other than citizenship and residence within the political
16 subdivision.

17 (10a) A corporation or limited liability company
18 unless it is incorporated or organized in Illinois, or
19 unless it is a foreign corporation or foreign limited
20 liability company which is qualified under the Business
21 Corporation Act of 1983 or the Limited Liability Company
22 Act to transact business in Illinois. The Commission shall
23 permit and accept from an applicant for a license under
24 this Act proof prepared from the Secretary of State's
25 website that the corporation or limited liability company
26 is in good standing and is qualified under the Business

1 Corporation Act of 1983 or the Limited Liability Company
2 Act to transact business in Illinois.

3 (11) A person whose place of business is conducted by a
4 manager or agent unless the manager or agent possesses the
5 same qualifications required by the licensee.

6 (12) A person who has been convicted of a violation of
7 any Federal or State law concerning the manufacture,
8 possession or sale of alcoholic liquor, subsequent to the
9 passage of this Act or has forfeited his bond to appear in
10 court to answer charges for any such violation.

11 (13) A person who does not beneficially own the
12 premises for which a license is sought, or does not have a
13 lease thereon for the full period for which the license is
14 to be issued.

15 (14) Any law enforcing public official, including
16 members of local liquor control commissions, any mayor,
17 alderman, or member of the city council or commission, any
18 president of the village board of trustees, any member of a
19 village board of trustees, or any president or member of a
20 county board; and no such official shall have a direct
21 interest in the manufacture, sale, or distribution of
22 alcoholic liquor, except that a license may be granted to
23 such official in relation to premises that are not located
24 within the territory subject to the jurisdiction of that
25 official if the issuance of such license is approved by the
26 State Liquor Control Commission and except that a license

1 may be granted, in a city or village with a population of
2 55,000 or less, to any alderman, member of a city council,
3 or member of a village board of trustees in relation to
4 premises that are located within the territory subject to
5 the jurisdiction of that official if (i) the sale of
6 alcoholic liquor pursuant to the license is incidental to
7 the selling of food, (ii) the issuance of the license is
8 approved by the State Commission, (iii) the issuance of the
9 license is in accordance with all applicable local
10 ordinances in effect where the premises are located, and
11 (iv) the official granted a license does not vote on
12 alcoholic liquor issues pending before the board or council
13 to which the license holder is elected. Notwithstanding any
14 provision of this paragraph (14) to the contrary, an
15 alderman or member of a city council or commission, a
16 member of a village board of trustees other than the
17 president of the village board of trustees, or a member of
18 a county board other than the president of a county board
19 may have a direct interest in the manufacture, sale, or
20 distribution of alcoholic liquor as long as he or she is
21 not a law enforcing public official, a mayor, a village
22 board president, or president of a county board. To prevent
23 any conflict of interest, the elected official with the
24 direct interest in the manufacture, sale, or distribution
25 of alcoholic liquor shall not participate in any meetings,
26 hearings, or decisions on matters impacting the

1 manufacture, sale, or distribution of alcoholic liquor.
2 Furthermore, the mayor of a city with a population of
3 55,000 or less or the president of a village with a
4 population of 55,000 or less may have an interest in the
5 manufacture, sale, or distribution of alcoholic liquor as
6 long as the council or board over which he or she presides
7 has made a local liquor control commissioner appointment
8 that complies with the requirements of Section 4-2 of this
9 Act.

10 (15) A person who is not a beneficial owner of the
11 business to be operated by the licensee.

12 (16) A person who has been convicted of a gambling
13 offense as proscribed by any of subsections (a) (3) through
14 (a) (11) of Section 28-1 of, or as proscribed by Section
15 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
16 Criminal Code of 2012, or as proscribed by a statute
17 replaced by any of the aforesaid statutory provisions.

18 (17) A person or entity to whom a federal wagering
19 stamp has been issued by the federal government, unless the
20 person or entity is eligible to be issued a license under
21 the Raffles Act or the Illinois Pull Tabs and Jar Games
22 Act.

23 (18) A person who intends to sell alcoholic liquors for
24 use or consumption on his or her licensed retail premises
25 who does not have liquor liability insurance coverage for
26 that premises in an amount that is at least equal to the

1 maximum liability amounts set out in subsection (a) of
2 Section 6-21.

3 (19) A person who is licensed by any licensing
4 authority as a manufacturer of beer, or any partnership,
5 corporation, limited liability company, or trust or any
6 subsidiary, affiliate, or agent thereof, or any other form
7 of business enterprise licensed as a manufacturer of beer,
8 having any legal, equitable, or beneficial interest,
9 directly or indirectly, in a person licensed in this State
10 as a distributor or importing distributor. For purposes of
11 this paragraph (19), a person who is licensed by any
12 licensing authority as a "manufacturer of beer" shall also
13 mean a brewer and a non-resident dealer who is also a
14 manufacturer of beer, including a partnership,
15 corporation, limited liability company, or trust or any
16 subsidiary, affiliate, or agent thereof, or any other form
17 of business enterprise licensed as a manufacturer of beer.

18 (20) A person who is licensed in this State as a
19 distributor or importing distributor, or any partnership,
20 corporation, limited liability company, or trust or any
21 subsidiary, affiliate, or agent thereof, or any other form
22 of business enterprise licensed in this State as a
23 distributor or importing distributor having any legal,
24 equitable, or beneficial interest, directly or indirectly,
25 in a person licensed as a manufacturer of beer by any
26 licensing authority, or any partnership, corporation,

1 limited liability company, or trust or any subsidiary,
2 affiliate, or agent thereof, or any other form of business
3 enterprise, except for a person who owns, on or after the
4 effective date of this amendatory Act of the 98th General
5 Assembly, no more than 5% of the outstanding shares of a
6 manufacturer of beer whose shares are publicly traded on an
7 exchange within the meaning of the Securities Exchange Act
8 of 1934. For the purposes of this paragraph (20), a person
9 who is licensed by any licensing authority as a
10 "manufacturer of beer" shall also mean a brewer and a
11 non-resident dealer who is also a manufacturer of beer,
12 including a partnership, corporation, limited liability
13 company, or trust or any subsidiary, affiliate, or agent
14 thereof, or any other form of business enterprise licensed
15 as a manufacturer of beer.

16 (b) A criminal conviction of a corporation is not grounds
17 for the denial, suspension, or revocation of a license applied
18 for or held by the corporation if the criminal conviction was
19 not the result of a violation of any federal or State law
20 concerning the manufacture, possession or sale of alcoholic
21 liquor, the offense that led to the conviction did not result
22 in any financial gain to the corporation and the corporation
23 has terminated its relationship with each director, officer,
24 employee, or controlling shareholder whose actions directly
25 contributed to the conviction of the corporation. The
26 Commission shall determine if all provisions of this subsection

1 (b) have been met before any action on the corporation's
2 license is initiated.

3 (Source: P.A. 97-1059, eff. 8-24-12; 97-1150, eff. 1-25-13;
4 98-10, eff. 5-6-13; 98-21, eff. 6-13-13, revised 9-24-13.)

5 (235 ILCS 5/6-6) (from Ch. 43, par. 123)

6 Sec. 6-6. Except as otherwise provided in this Act no
7 manufacturer or distributor or importing distributor shall,
8 directly~~r~~ or indirectly, sell, supply, furnish, give or pay
9 for, or loan or lease, any furnishing, fixture or equipment on
10 the premises of a place of business of another licensee
11 authorized under this Act to sell alcoholic liquor at retail,
12 either for consumption on or off the premises, nor shall he or
13 she, directly or indirectly, pay for any such license, or
14 advance, furnish, lend or give money for payment of such
15 license, or purchase or become the owner of any note, mortgage,
16 or other evidence of indebtedness of such licensee or any form
17 of security therefor, nor shall such manufacturer, or
18 distributor, or importing distributor, directly or indirectly,
19 be interested in the ownership, conduct or operation of the
20 business of any licensee authorized to sell alcoholic liquor at
21 retail, nor shall any manufacturer, or distributor, or
22 importing distributor be interested directly or indirectly or
23 as owner or part owner of said premises or as lessee or lessor
24 thereof, in any premises upon which alcoholic liquor is sold at
25 retail.

1 No manufacturer or distributor or importing distributor
2 shall, directly or indirectly or through a subsidiary or
3 affiliate, or by any officer, director or firm of such
4 manufacturer, distributor or importing distributor, furnish,
5 give, lend or rent, install, repair or maintain, to or for any
6 retail licensee in this State, any signs or inside advertising
7 materials except as provided in this Section and Section 6-5.
8 With respect to retail licensees, other than any government
9 owned or operated auditorium, exhibition hall, recreation
10 facility or other similar facility holding a retailer's license
11 as described in Section 6-5, a manufacturer, distributor, or
12 importing distributor may furnish, give, lend or rent and
13 erect, install, repair and maintain to or for any retail
14 licensee, for use at any one time in or about or in connection
15 with a retail establishment on which the products of the
16 manufacturer, distributor or importing distributor are sold,
17 the following signs and inside advertising materials as
18 authorized in subparts (i), (ii), (iii), and (iv):

19 (i) Permanent outside signs shall be limited to one
20 outside sign, per brand, in place and in use at any one
21 time, costing not more than \$893, exclusive of erection,
22 installation, repair and maintenance costs, and permit
23 fees and shall bear only the manufacturer's name, brand
24 name, trade name, slogans, markings, trademark, or other
25 symbols commonly associated with and generally used in
26 identifying the product including, but not limited to,

1 "cold beer", "on tap", "carry out", and "packaged liquor".

2 (ii) Temporary outside signs shall be limited to one
3 temporary outside sign per brand. Examples of temporary
4 outside signs are banners, flags, pennants, streamers, and
5 other items of a temporary and non-permanent nature. Each
6 temporary outside sign must include the manufacturer's
7 name, brand name, trade name, slogans, markings,
8 trademark, or other symbol commonly associated with and
9 generally used in identifying the product. Temporary
10 outside signs may also include, for example, the product,
11 price, packaging, date or dates of a promotion and an
12 announcement of a retail licensee's specific sponsored
13 event, if the temporary outside sign is intended to promote
14 a product, and provided that the announcement of the retail
15 licensee's event and the product promotion are held
16 simultaneously. However, temporary outside signs may not
17 include names, slogans, markings, or logos that relate to
18 the retailer. Nothing in this subpart (ii) shall prohibit a
19 distributor or importing distributor from bearing the cost
20 of creating or printing a temporary outside sign for the
21 retail licensee's specific sponsored event or from bearing
22 the cost of creating or printing a temporary sign for a
23 retail licensee containing, for example, community
24 goodwill expressions, regional sporting event
25 announcements, or seasonal messages, provided that the
26 primary purpose of the temporary outside sign is to

1 highlight, promote, or advertise the product. In addition,
2 temporary outside signs provided by the manufacturer to the
3 distributor or importing distributor may also include, for
4 example, subject to the limitations of this Section,
5 preprinted community goodwill expressions, sporting event
6 announcements, seasonal messages, and manufacturer
7 promotional announcements. However, a distributor or
8 importing distributor shall not bear the cost of such
9 manufacturer preprinted signs.

10 (iii) Permanent inside signs, whether visible from the
11 outside or the inside of the premises, include, but are not
12 limited to: alcohol lists and menus that may include names,
13 slogans, markings, or logos that relate to the retailer;
14 neons; illuminated signs; clocks; table lamps; mirrors;
15 tap handles; decalcomanias; window painting; and window
16 trim. All permanent inside signs in place and in use at any
17 one time shall cost in the aggregate not more than \$2000
18 per manufacturer. A permanent inside sign must include the
19 manufacturer's name, brand name, trade name, slogans,
20 markings, trademark, or other symbol commonly associated
21 with and generally used in identifying the product.
22 However, permanent inside signs may not include names,
23 slogans, markings, or logos that relate to the retailer.
24 For the purpose of this subpart (iii), all permanent inside
25 signs may be displayed in an adjacent courtyard or patio
26 commonly referred to as a "beer garden" that is a part of

1 the retailer's licensed premises.

2 (iv) Temporary inside signs shall include, but are not
3 limited to, lighted chalk boards, acrylic table tent
4 beverage or hors d'oeuvre list holders, banners, flags,
5 pennants, streamers, and inside advertising materials such
6 as posters, placards, bowling sheets, table tents, inserts
7 for acrylic table tent beverage or hors d'oeuvre list
8 holders, sports schedules, or similar printed or
9 illustrated materials; however, such items, for example,
10 as coasters, trays, napkins, glassware and cups shall not
11 be deemed to be inside signs or advertising materials and
12 may only be sold to retailers. All temporary inside signs
13 and inside advertising materials in place and in use at any
14 one time shall cost in the aggregate not more than \$325 per
15 manufacturer. Nothing in this subpart (iv) prohibits a
16 distributor or importing distributor from paying the cost
17 of printing or creating any temporary inside banner or
18 inserts for acrylic table tent beverage or hors d'oeuvre
19 list holders for a retail licensee, provided that the
20 primary purpose for the banner or insert is to highlight,
21 promote, or advertise the product. For the purpose of this
22 subpart (iv), all temporary inside signs and inside
23 advertising materials may be displayed in an adjacent
24 courtyard or patio commonly referred to as a "beer garden"
25 that is a part of the retailer's licensed premises.

26 A "cost adjustment factor" shall be used to periodically

1 update the dollar limitations prescribed in subparts (i),
2 (iii), and (iv). The Commission shall establish the adjusted
3 dollar limitation on an annual basis beginning in January,
4 1997. The term "cost adjustment factor" means a percentage
5 equal to the change in the Bureau of Labor Statistics Consumer
6 Price Index or 5%, whichever is greater. The restrictions
7 contained in this Section 6-6 do not apply to signs, or
8 promotional or advertising materials furnished by
9 manufacturers, distributors or importing distributors to a
10 government owned or operated facility holding a retailer's
11 license as described in Section 6-5.

12 No distributor or importing distributor shall directly or
13 indirectly or through a subsidiary or affiliate, or by any
14 officer, director or firm of such manufacturer, distributor or
15 importing distributor, furnish, give, lend or rent, install,
16 repair or maintain, to or for any retail licensee in this
17 State, any signs or inside advertising materials described in
18 subparts (i), (ii), (iii), or (iv) of this Section except as
19 the agent for or on behalf of a manufacturer, provided that the
20 total cost of any signs and inside advertising materials
21 including but not limited to labor, erection, installation and
22 permit fees shall be paid by the manufacturer whose product or
23 products said signs and inside advertising materials advertise
24 and except as follows:

25 A distributor or importing distributor may purchase from or
26 enter into a written agreement with a manufacturer or a

1 manufacturer's designated supplier and such manufacturer or
2 the manufacturer's designated supplier may sell or enter into
3 an agreement to sell to a distributor or importing distributor
4 permitted signs and advertising materials described in
5 subparts (ii), (iii), or (iv) of this Section for the purpose
6 of furnishing, giving, lending, renting, installing,
7 repairing, or maintaining such signs or advertising materials
8 to or for any retail licensee in this State. Any purchase by a
9 distributor or importing distributor from a manufacturer or a
10 manufacturer's designated supplier shall be voluntary and the
11 manufacturer may not require the distributor or the importing
12 distributor to purchase signs or advertising materials from the
13 manufacturer or the manufacturer's designated supplier.

14 A distributor or importing distributor shall be deemed the
15 owner of such signs or advertising materials purchased from a
16 manufacturer or a manufacturer's designated supplier.

17 The provisions of Public Act 90-373 concerning signs or
18 advertising materials delivered by a manufacturer to a
19 distributor or importing distributor shall apply only to signs
20 or advertising materials delivered on or after August 14, 1997.

21 No person engaged in the business of manufacturing,
22 importing or distributing alcoholic liquors shall, directly or
23 indirectly, pay for, or advance, furnish, or lend money for the
24 payment of any license for another. Any licensee who shall
25 permit or assent, or be a party in any way to any violation or
26 infringement of the provisions of this Section shall be deemed

1 guilty of a violation of this Act, and any money loaned
2 contrary to a provision of this Act shall not be recovered
3 back, or any note, mortgage or other evidence of indebtedness,
4 or security, or any lease or contract obtained or made contrary
5 to this Act shall be unenforceable and void.

6 This Section shall not apply to airplane licensees
7 exercising powers provided in paragraph (i) of Section 5-1 of
8 this Act.

9 (Source: P.A. 89-238, eff. 8-4-95; 89-529, eff. 7-19-96;
10 90-373, eff. 8-14-97; 90-432, eff. 1-1-98; 90-655, eff.
11 7-30-98; revised 9-24-13.)

12 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

13 Sec. 6-15. No alcoholic liquors shall be sold or delivered
14 in any building belonging to or under the control of the State
15 or any political subdivision thereof except as provided in this
16 Act. The corporate authorities of any city, village,
17 incorporated town, township, or county may provide by
18 ordinance, however, that alcoholic liquor may be sold or
19 delivered in any specifically designated building belonging to
20 or under the control of the municipality, township, or county,
21 or in any building located on land under the control of the
22 municipality, township, or county; provided that such township
23 or county complies with all applicable local ordinances in any
24 incorporated area of the township or county. Alcoholic liquor
25 may be delivered to and sold under the authority of a special

1 use permit on any property owned by a conservation district
2 organized under the Conservation District Act, provided that
3 (i) the alcoholic liquor is sold only at an event authorized by
4 the governing board of the conservation district, (ii) the
5 issuance of the special use permit is authorized by the local
6 liquor control commissioner of the territory in which the
7 property is located, and (iii) the special use permit
8 authorizes the sale of alcoholic liquor for one day or less.
9 Alcoholic liquors may be delivered to and sold at any airport
10 belonging to or under the control of a municipality of more
11 than 25,000 inhabitants, or in any building or on any golf
12 course owned by a park district organized under the Park
13 District Code, subject to the approval of the governing board
14 of the district, or in any building or on any golf course owned
15 by a forest preserve district organized under the Downstate
16 Forest Preserve District Act, subject to the approval of the
17 governing board of the district, or on the grounds within 500
18 feet of any building owned by a forest preserve district
19 organized under the Downstate Forest Preserve District Act
20 during times when food is dispensed for consumption within 500
21 feet of the building from which the food is dispensed, subject
22 to the approval of the governing board of the district, or in a
23 building owned by a Local Mass Transit District organized under
24 the Local Mass Transit District Act, subject to the approval of
25 the governing Board of the District, or in Bicentennial Park,
26 or on the premises of the City of Mendota Lake Park located

1 adjacent to Route 51 in Mendota, Illinois, or on the premises
2 of Camden Park in Milan, Illinois, or in the community center
3 owned by the City of Loves Park that is located at 1000 River
4 Park Drive in Loves Park, Illinois, or, in connection with the
5 operation of an established food serving facility during times
6 when food is dispensed for consumption on the premises, and at
7 the following aquarium and museums located in public parks: Art
8 Institute of Chicago, Chicago Academy of Sciences, Chicago
9 Historical Society, Field Museum of Natural History, Museum of
10 Science and Industry, DuSable Museum of African American
11 History, John G. Shedd Aquarium and Adler Planetarium, or at
12 Lakeview Museum of Arts and Sciences in Peoria, or in
13 connection with the operation of the facilities of the Chicago
14 Zoological Society or the Chicago Horticultural Society on land
15 owned by the Forest Preserve District of Cook County, or on any
16 land used for a golf course or for recreational purposes owned
17 by the Forest Preserve District of Cook County, subject to the
18 control of the Forest Preserve District Board of Commissioners
19 and applicable local law, provided that dram shop liability
20 insurance is provided at maximum coverage limits so as to hold
21 the District harmless from all financial loss, damage, and
22 harm, or in any building located on land owned by the Chicago
23 Park District if approved by the Park District Commissioners,
24 or on any land used for a golf course or for recreational
25 purposes and owned by the Illinois International Port District
26 if approved by the District's governing board, or at any

1 airport, golf course, faculty center, or facility in which
2 conference and convention type activities take place belonging
3 to or under control of any State university or public community
4 college district, provided that with respect to a facility for
5 conference and convention type activities alcoholic liquors
6 shall be limited to the use of the convention or conference
7 participants or participants in cultural, political or
8 educational activities held in such facilities, and provided
9 further that the faculty or staff of the State university or a
10 public community college district, or members of an
11 organization of students, alumni, faculty or staff of the State
12 university or a public community college district are active
13 participants in the conference or convention, or in Memorial
14 Stadium on the campus of the University of Illinois at
15 Urbana-Champaign during games in which the Chicago Bears
16 professional football team is playing in that stadium during
17 the renovation of Soldier Field, not more than one and a half
18 hours before the start of the game and not after the end of the
19 third quarter of the game, or in the Pavilion Facility on the
20 campus of the University of Illinois at Chicago during games in
21 which the Chicago Storm professional soccer team is playing in
22 that facility, not more than one and a half hours before the
23 start of the game and not after the end of the third quarter of
24 the game, or in the Pavilion Facility on the campus of the
25 University of Illinois at Chicago during games in which the
26 WNBA professional women's basketball team is playing in that

1 facility, not more than one and a half hours before the start
2 of the game and not after the 10-minute mark of the second half
3 of the game, or by a catering establishment which has rented
4 facilities from a board of trustees of a public community
5 college district, or in a restaurant that is operated by a
6 commercial tenant in the North Campus Parking Deck building
7 that (1) is located at 1201 West University Avenue, Urbana,
8 Illinois and (2) is owned by the Board of Trustees of the
9 University of Illinois, or, if approved by the District board,
10 on land owned by the Metropolitan Sanitary District of Greater
11 Chicago and leased to others for a term of at least 20 years.
12 Nothing in this Section precludes the sale or delivery of
13 alcoholic liquor in the form of original packaged goods in
14 premises located at 500 S. Racine in Chicago belonging to the
15 University of Illinois and used primarily as a grocery store by
16 a commercial tenant during the term of a lease that predates
17 the University's acquisition of the premises; but the
18 University shall have no power or authority to renew, transfer,
19 or extend the lease with terms allowing the sale of alcoholic
20 liquor; and the sale of alcoholic liquor shall be subject to
21 all local laws and regulations. After the acquisition by
22 Winnebago County of the property located at 404 Elm Street in
23 Rockford, a commercial tenant who sold alcoholic liquor at
24 retail on a portion of the property under a valid license at
25 the time of the acquisition may continue to do so for so long
26 as the tenant and the County may agree under existing or future

1 leases, subject to all local laws and regulations regarding the
2 sale of alcoholic liquor. Alcoholic liquors may be delivered to
3 and sold at Memorial Hall, located at 211 North Main Street,
4 Rockford, under conditions approved by Winnebago County and
5 subject to all local laws and regulations regarding the sale of
6 alcoholic liquor. Each facility shall provide dram shop
7 liability in maximum insurance coverage limits so as to save
8 harmless the State, municipality, State university, airport,
9 golf course, faculty center, facility in which conference and
10 convention type activities take place, park district, Forest
11 Preserve District, public community college district,
12 aquarium, museum, or sanitary district from all financial loss,
13 damage or harm. Alcoholic liquors may be sold at retail in
14 buildings of golf courses owned by municipalities or Illinois
15 State University in connection with the operation of an
16 established food serving facility during times when food is
17 dispensed for consumption upon the premises. Alcoholic liquors
18 may be delivered to and sold at retail in any building owned by
19 a fire protection district organized under the Fire Protection
20 District Act, provided that such delivery and sale is approved
21 by the board of trustees of the district, and provided further
22 that such delivery and sale is limited to fundraising events
23 and to a maximum of 6 events per year. However, the limitation
24 to fundraising events and to a maximum of 6 events per year
25 does not apply to the delivery, sale, or manufacture of
26 alcoholic liquors at the building located at 59 Main Street in

1 Oswego, Illinois, owned by the Oswego Fire Protection District
2 if the alcoholic liquor is sold or dispensed as approved by the
3 Oswego Fire Protection District and the property is no longer
4 being utilized for fire protection purposes.

5 Alcoholic liquors may be served or sold in buildings under
6 the control of the Board of Trustees of the University of
7 Illinois for events that the Board may determine are public
8 events and not related student activities. The Board of
9 Trustees shall issue a written policy within 6 months of the
10 effective date of this amendatory Act of the 95th General
11 Assembly concerning the types of events that would be eligible
12 for an exemption. Thereafter, the Board of Trustees may issue
13 revised, updated, new, or amended policies as it deems
14 necessary and appropriate. In preparing its written policy, the
15 Board of Trustees shall, among other factors it considers
16 relevant and important, give consideration to the following:

17 (i) whether the event is a student activity or student related
18 activity; (ii) whether the physical setting of the event is
19 conducive to control of liquor sales and distribution; (iii)
20 the ability of the event operator to ensure that the sale or
21 serving of alcoholic liquors and the demeanor of the
22 participants are in accordance with State law and University
23 policies; (iv) regarding the anticipated attendees at the
24 event, the relative proportion of individuals under the age of
25 21 to individuals age 21 or older; (v) the ability of the venue
26 operator to prevent the sale or distribution of alcoholic

1 liquors to individuals under the age of 21; (vi) whether the
2 event prohibits participants from removing alcoholic beverages
3 from the venue; and (vii) whether the event prohibits
4 participants from providing their own alcoholic liquors to the
5 venue. In addition, any policy submitted by the Board of
6 Trustees to the Illinois Liquor Control Commission must require
7 that any event at which alcoholic liquors are served or sold in
8 buildings under the control of the Board of Trustees shall
9 require the prior written approval of the Office of the
10 Chancellor for the University campus where the event is
11 located. The Board of Trustees shall submit its policy, and any
12 subsequently revised, updated, new, or amended policies, to the
13 Illinois Liquor Control Commission, and any University event,
14 or location for an event, exempted under such policies shall
15 apply for a license under the applicable Sections of this Act.

16 Alcoholic liquors may be served or sold in buildings under
17 the control of the Board of Trustees of Northern Illinois
18 University for events that the Board may determine are public
19 events and not student-related activities. The Board of
20 Trustees shall issue a written policy within 6 months after
21 June 28, 2011 (the effective date of Public Act 97-45)
22 concerning the types of events that would be eligible for an
23 exemption. Thereafter, the Board of Trustees may issue revised,
24 updated, new, or amended policies as it deems necessary and
25 appropriate. In preparing its written policy, the Board of
26 Trustees shall, in addition to other factors it considers

1 relevant and important, give consideration to the following:

2 (i) whether the event is a student activity or student-related
3 activity; (ii) whether the physical setting of the event is
4 conducive to control of liquor sales and distribution; (iii)
5 the ability of the event operator to ensure that the sale or
6 serving of alcoholic liquors and the demeanor of the
7 participants are in accordance with State law and University
8 policies; (iv) the anticipated attendees at the event and the
9 relative proportion of individuals under the age of 21 to
10 individuals age 21 or older; (v) the ability of the venue
11 operator to prevent the sale or distribution of alcoholic
12 liquors to individuals under the age of 21; (vi) whether the
13 event prohibits participants from removing alcoholic beverages
14 from the venue; and (vii) whether the event prohibits
15 participants from providing their own alcoholic liquors to the
16 venue.

17 Alcoholic liquors may be served or sold in buildings under
18 the control of the Board of Trustees of Chicago State
19 University for events that the Board may determine are public
20 events and not student-related activities. The Board of
21 Trustees shall issue a written policy within 6 months after
22 August 2, 2013 (the effective date of Public Act 98-132) ~~this~~
23 ~~amendatory Act of the 98th General Assembly~~ concerning the
24 types of events that would be eligible for an exemption.
25 Thereafter, the Board of Trustees may issue revised, updated,
26 new, or amended policies as it deems necessary and appropriate.

1 In preparing its written policy, the Board of Trustees shall,
2 in addition to other factors it considers relevant and
3 important, give consideration to the following: (i) whether the
4 event is a student activity or student-related activity; (ii)
5 whether the physical setting of the event is conducive to
6 control of liquor sales and distribution; (iii) the ability of
7 the event operator to ensure that the sale or serving of
8 alcoholic liquors and the demeanor of the participants are in
9 accordance with State law and University policies; (iv) the
10 anticipated attendees at the event and the relative proportion
11 of individuals under the age of 21 to individuals age 21 or
12 older; (v) the ability of the venue operator to prevent the
13 sale or distribution of alcoholic liquors to individuals under
14 the age of 21; (vi) whether the event prohibits participants
15 from removing alcoholic beverages from the venue; and (vii)
16 whether the event prohibits participants from providing their
17 own alcoholic liquors to the venue.

18 Alcoholic liquors may be served or sold in buildings under
19 the control of the Board of Trustees of Illinois State
20 University for events that the Board may determine are public
21 events and not student-related activities. The Board of
22 Trustees shall issue a written policy within 6 months after the
23 effective date of this amendatory Act of the 97th General
24 Assembly concerning the types of events that would be eligible
25 for an exemption. Thereafter, the Board of Trustees may issue
26 revised, updated, new, or amended policies as it deems

1 necessary and appropriate. In preparing its written policy, the
2 Board of Trustees shall, in addition to other factors it
3 considers relevant and important, give consideration to the
4 following: (i) whether the event is a student activity or
5 student-related activity; (ii) whether the physical setting of
6 the event is conducive to control of liquor sales and
7 distribution; (iii) the ability of the event operator to ensure
8 that the sale or serving of alcoholic liquors and the demeanor
9 of the participants are in accordance with State law and
10 University policies; (iv) the anticipated attendees at the
11 event and the relative proportion of individuals under the age
12 of 21 to individuals age 21 or older; (v) the ability of the
13 venue operator to prevent the sale or distribution of alcoholic
14 liquors to individuals under the age of 21; (vi) whether the
15 event prohibits participants from removing alcoholic beverages
16 from the venue; and (vii) whether the event prohibits
17 participants from providing their own alcoholic liquors to the
18 venue.

19 Alcoholic liquor may be delivered to and sold at retail in
20 the Dorchester Senior Business Center owned by the Village of
21 Dolton if the alcoholic liquor is sold or dispensed only in
22 connection with organized functions for which the planned
23 attendance is 20 or more persons, and if the person or facility
24 selling or dispensing the alcoholic liquor has provided dram
25 shop liability insurance in maximum limits so as to hold
26 harmless the Village of Dolton and the State from all financial

1 loss, damage and harm.

2 Alcoholic liquors may be delivered to and sold at retail in
3 any building used as an Illinois State Armory provided:

4 (i) the Adjutant General's written consent to the
5 issuance of a license to sell alcoholic liquor in such
6 building is filed with the Commission;

7 (ii) the alcoholic liquor is sold or dispensed only in
8 connection with organized functions held on special
9 occasions;

10 (iii) the organized function is one for which the
11 planned attendance is 25 or more persons; and

12 (iv) the facility selling or dispensing the alcoholic
13 liquors has provided dram shop liability insurance in
14 maximum limits so as to save harmless the facility and the
15 State from all financial loss, damage or harm.

16 Alcoholic liquors may be delivered to and sold at retail in
17 the Chicago Civic Center, provided that:

18 (i) the written consent of the Public Building
19 Commission which administers the Chicago Civic Center is
20 filed with the Commission;

21 (ii) the alcoholic liquor is sold or dispensed only in
22 connection with organized functions held on special
23 occasions;

24 (iii) the organized function is one for which the
25 planned attendance is 25 or more persons;

26 (iv) the facility selling or dispensing the alcoholic

1 liquors has provided dram shop liability insurance in
2 maximum limits so as to hold harmless the Civic Center, the
3 City of Chicago and the State from all financial loss,
4 damage or harm; and

5 (v) all applicable local ordinances are complied with.

6 Alcoholic liquors may be delivered or sold in any building
7 belonging to or under the control of any city, village or
8 incorporated town where more than 75% of the physical
9 properties of the building is used for commercial or
10 recreational purposes, and the building is located upon a pier
11 extending into or over the waters of a navigable lake or stream
12 or on the shore of a navigable lake or stream. In accordance
13 with a license issued under this Act, alcoholic liquor may be
14 sold, served, or delivered in buildings and facilities under
15 the control of the Department of Natural Resources during
16 events or activities lasting no more than 7 continuous days
17 upon the written approval of the Director of Natural Resources
18 acting as the controlling government authority. The Director of
19 Natural Resources may specify conditions on that approval,
20 including but not limited to requirements for insurance and
21 hours of operation. Notwithstanding any other provision of this
22 Act, alcoholic liquor sold by a United States Army Corps of
23 Engineers or Department of Natural Resources concessionaire
24 who was operating on June 1, 1991 for on-premises consumption
25 only is not subject to the provisions of Articles IV and IX.
26 Beer and wine may be sold on the premises of the Joliet Park

1 District Stadium owned by the Joliet Park District when written
2 consent to the issuance of a license to sell beer and wine in
3 such premises is filed with the local liquor commissioner by
4 the Joliet Park District. Beer and wine may be sold in
5 buildings on the grounds of State veterans' homes when written
6 consent to the issuance of a license to sell beer and wine in
7 such buildings is filed with the Commission by the Department
8 of Veterans' Affairs, and the facility shall provide dram shop
9 liability in maximum insurance coverage limits so as to save
10 the facility harmless from all financial loss, damage or harm.
11 Such liquors may be delivered to and sold at any property owned
12 or held under lease by a Metropolitan Pier and Exposition
13 Authority or Metropolitan Exposition and Auditorium Authority.

14 Beer and wine may be sold and dispensed at professional
15 sporting events and at professional concerts and other
16 entertainment events conducted on premises owned by the Forest
17 Preserve District of Kane County, subject to the control of the
18 District Commissioners and applicable local law, provided that
19 dram shop liability insurance is provided at maximum coverage
20 limits so as to hold the District harmless from all financial
21 loss, damage and harm.

22 Nothing in this Section shall preclude the sale or delivery
23 of beer and wine at a State or county fair or the sale or
24 delivery of beer or wine at a city fair in any otherwise lawful
25 manner.

26 Alcoholic liquors may be sold at retail in buildings in

1 State parks under the control of the Department of Natural
2 Resources, provided:

3 a. the State park has overnight lodging facilities with
4 some restaurant facilities or, not having overnight
5 lodging facilities, has restaurant facilities which serve
6 complete luncheon and dinner or supper meals,

7 b. consent to the issuance of a license to sell
8 alcoholic liquors in the buildings has been filed with the
9 commission by the Department of Natural Resources, and

10 c. the alcoholic liquors are sold by the State park
11 lodge or restaurant concessionaire only during the hours
12 from 11 o'clock a.m. until 12 o'clock midnight.
13 Notwithstanding any other provision of this Act, alcoholic
14 liquor sold by the State park or restaurant concessionaire
15 is not subject to the provisions of Articles IV and IX.

16 Alcoholic liquors may be sold at retail in buildings on
17 properties under the control of the Historic Sites and
18 Preservation Division of the Historic Preservation Agency or
19 the Abraham Lincoln Presidential Library and Museum provided:

20 a. the property has overnight lodging facilities with
21 some restaurant facilities or, not having overnight
22 lodging facilities, has restaurant facilities which serve
23 complete luncheon and dinner or supper meals,

24 b. consent to the issuance of a license to sell
25 alcoholic liquors in the buildings has been filed with the
26 commission by the Historic Sites and Preservation Division

1 of the Historic Preservation Agency or the Abraham Lincoln
2 Presidential Library and Museum, and

3 c. the alcoholic liquors are sold by the lodge or
4 restaurant concessionaire only during the hours from 11
5 o'clock a.m. until 12 o'clock midnight.

6 The sale of alcoholic liquors pursuant to this Section does
7 not authorize the establishment and operation of facilities
8 commonly called taverns, saloons, bars, cocktail lounges, and
9 the like except as a part of lodge and restaurant facilities in
10 State parks or golf courses owned by Forest Preserve Districts
11 with a population of less than 3,000,000 or municipalities or
12 park districts.

13 Alcoholic liquors may be sold at retail in the Springfield
14 Administration Building of the Department of Transportation
15 and the Illinois State Armory in Springfield; provided, that
16 the controlling government authority may consent to such sales
17 only if

18 a. the request is from a not-for-profit organization;

19 b. such sales would not impede normal operations of the
20 departments involved;

21 c. the not-for-profit organization provides dram shop
22 liability in maximum insurance coverage limits and agrees
23 to defend, save harmless and indemnify the State of
24 Illinois from all financial loss, damage or harm;

25 d. no such sale shall be made during normal working
26 hours of the State of Illinois; and

1 e. the consent is in writing.

2 Alcoholic liquors may be sold at retail in buildings in
3 recreational areas of river conservancy districts under the
4 control of, or leased from, the river conservancy districts.
5 Such sales are subject to reasonable local regulations as
6 provided in Article IV; however, no such regulations may
7 prohibit or substantially impair the sale of alcoholic liquors
8 on Sundays or Holidays.

9 Alcoholic liquors may be provided in long term care
10 facilities owned or operated by a county under Division 5-21 or
11 5-22 of the Counties Code, when approved by the facility
12 operator and not in conflict with the regulations of the
13 Illinois Department of Public Health, to residents of the
14 facility who have had their consumption of the alcoholic
15 liquors provided approved in writing by a physician licensed to
16 practice medicine in all its branches.

17 Alcoholic liquors may be delivered to and dispensed in
18 State housing assigned to employees of the Department of
19 Corrections. No person shall furnish or allow to be furnished
20 any alcoholic liquors to any prisoner confined in any jail,
21 reformatory, prison or house of correction except upon a
22 physician's prescription for medicinal purposes.

23 Alcoholic liquors may be sold at retail or dispensed at the
24 Willard Ice Building in Springfield, at the State Library in
25 Springfield, and at Illinois State Museum facilities by (1) an
26 agency of the State, whether legislative, judicial or

1 executive, provided that such agency first obtains written
2 permission to sell or dispense alcoholic liquors from the
3 controlling government authority, or by (2) a not-for-profit
4 organization, provided that such organization:

5 a. Obtains written consent from the controlling
6 government authority;

7 b. Sells or dispenses the alcoholic liquors in a manner
8 that does not impair normal operations of State offices
9 located in the building;

10 c. Sells or dispenses alcoholic liquors only in
11 connection with an official activity in the building;

12 d. Provides, or its catering service provides, dram
13 shop liability insurance in maximum coverage limits and in
14 which the carrier agrees to defend, save harmless and
15 indemnify the State of Illinois from all financial loss,
16 damage or harm arising out of the selling or dispensing of
17 alcoholic liquors.

18 Nothing in this Act shall prevent a not-for-profit
19 organization or agency of the State from employing the services
20 of a catering establishment for the selling or dispensing of
21 alcoholic liquors at authorized functions.

22 The controlling government authority for the Willard Ice
23 Building in Springfield shall be the Director of the Department
24 of Revenue. The controlling government authority for Illinois
25 State Museum facilities shall be the Director of the Illinois
26 State Museum. The controlling government authority for the

1 State Library in Springfield shall be the Secretary of State.

2 Alcoholic liquors may be delivered to and sold at retail or
3 dispensed at any facility, property or building under the
4 jurisdiction of the Historic Sites and Preservation Division of
5 the Historic Preservation Agency or the Abraham Lincoln
6 Presidential Library and Museum where the delivery, sale or
7 dispensing is by (1) an agency of the State, whether
8 legislative, judicial or executive, provided that such agency
9 first obtains written permission to sell or dispense alcoholic
10 liquors from a controlling government authority, or by (2) an
11 individual or organization provided that such individual or
12 organization:

13 a. Obtains written consent from the controlling
14 government authority;

15 b. Sells or dispenses the alcoholic liquors in a manner
16 that does not impair normal workings of State offices or
17 operations located at the facility, property or building;

18 c. Sells or dispenses alcoholic liquors only in
19 connection with an official activity of the individual or
20 organization in the facility, property or building;

21 d. Provides, or its catering service provides, dram
22 shop liability insurance in maximum coverage limits and in
23 which the carrier agrees to defend, save harmless and
24 indemnify the State of Illinois from all financial loss,
25 damage or harm arising out of the selling or dispensing of
26 alcoholic liquors.

1 The controlling government authority for the Historic
2 Sites and Preservation Division of the Historic Preservation
3 Agency shall be the Director of the Historic Sites and
4 Preservation, and the controlling government authority for the
5 Abraham Lincoln Presidential Library and Museum shall be the
6 Director of the Abraham Lincoln Presidential Library and
7 Museum.

8 Alcoholic liquors may be delivered to and sold at retail or
9 dispensed for consumption at the Michael Bilandic Building at
10 160 North LaSalle Street, Chicago IL 60601, after the normal
11 business hours of any day care or child care facility located
12 in the building, by (1) a commercial tenant or subtenant
13 conducting business on the premises under a lease made pursuant
14 to Section 405-315 of the Department of Central Management
15 Services Law (20 ILCS 405/405-315), provided that such tenant
16 or subtenant who accepts delivery of, sells, or dispenses
17 alcoholic liquors shall procure and maintain dram shop
18 liability insurance in maximum coverage limits and in which the
19 carrier agrees to defend, indemnify, and save harmless the
20 State of Illinois from all financial loss, damage, or harm
21 arising out of the delivery, sale, or dispensing of alcoholic
22 liquors, or by (2) an agency of the State, whether legislative,
23 judicial, or executive, provided that such agency first obtains
24 written permission to accept delivery of and sell or dispense
25 alcoholic liquors from the Director of Central Management
26 Services, or by (3) a not-for-profit organization, provided

1 that such organization:

2 a. obtains written consent from the Department of
3 Central Management Services;

4 b. accepts delivery of and sells or dispenses the
5 alcoholic liquors in a manner that does not impair normal
6 operations of State offices located in the building;

7 c. accepts delivery of and sells or dispenses alcoholic
8 liquors only in connection with an official activity in the
9 building; and

10 d. provides, or its catering service provides, dram
11 shop liability insurance in maximum coverage limits and in
12 which the carrier agrees to defend, save harmless, and
13 indemnify the State of Illinois from all financial loss,
14 damage, or harm arising out of the selling or dispensing of
15 alcoholic liquors.

16 Nothing in this Act shall prevent a not-for-profit
17 organization or agency of the State from employing the services
18 of a catering establishment for the selling or dispensing of
19 alcoholic liquors at functions authorized by the Director of
20 Central Management Services.

21 Alcoholic liquors may be sold at retail or dispensed at the
22 James R. Thompson Center in Chicago, subject to the provisions
23 of Section 7.4 of the State Property Control Act, and 222 South
24 College Street in Springfield, Illinois by (1) a commercial
25 tenant or subtenant conducting business on the premises under a
26 lease or sublease made pursuant to Section 405-315 of the

1 Department of Central Management Services Law (20 ILCS
2 405/405-315), provided that such tenant or subtenant who sells
3 or dispenses alcoholic liquors shall procure and maintain dram
4 shop liability insurance in maximum coverage limits and in
5 which the carrier agrees to defend, indemnify and save harmless
6 the State of Illinois from all financial loss, damage or harm
7 arising out of the sale or dispensing of alcoholic liquors, or
8 by (2) an agency of the State, whether legislative, judicial or
9 executive, provided that such agency first obtains written
10 permission to sell or dispense alcoholic liquors from the
11 Director of Central Management Services, or by (3) a
12 not-for-profit organization, provided that such organization:

13 a. Obtains written consent from the Department of
14 Central Management Services;

15 b. Sells or dispenses the alcoholic liquors in a manner
16 that does not impair normal operations of State offices
17 located in the building;

18 c. Sells or dispenses alcoholic liquors only in
19 connection with an official activity in the building;

20 d. Provides, or its catering service provides, dram
21 shop liability insurance in maximum coverage limits and in
22 which the carrier agrees to defend, save harmless and
23 indemnify the State of Illinois from all financial loss,
24 damage or harm arising out of the selling or dispensing of
25 alcoholic liquors.

26 Nothing in this Act shall prevent a not-for-profit

1 organization or agency of the State from employing the services
2 of a catering establishment for the selling or dispensing of
3 alcoholic liquors at functions authorized by the Director of
4 Central Management Services.

5 Alcoholic liquors may be sold or delivered at any facility
6 owned by the Illinois Sports Facilities Authority provided that
7 dram shop liability insurance has been made available in a
8 form, with such coverage and in such amounts as the Authority
9 reasonably determines is necessary.

10 Alcoholic liquors may be sold at retail or dispensed at the
11 Rockford State Office Building by (1) an agency of the State,
12 whether legislative, judicial or executive, provided that such
13 agency first obtains written permission to sell or dispense
14 alcoholic liquors from the Department of Central Management
15 Services, or by (2) a not-for-profit organization, provided
16 that such organization:

17 a. Obtains written consent from the Department of
18 Central Management Services;

19 b. Sells or dispenses the alcoholic liquors in a manner
20 that does not impair normal operations of State offices
21 located in the building;

22 c. Sells or dispenses alcoholic liquors only in
23 connection with an official activity in the building;

24 d. Provides, or its catering service provides, dram
25 shop liability insurance in maximum coverage limits and in
26 which the carrier agrees to defend, save harmless and

1 indemnify the State of Illinois from all financial loss,
2 damage or harm arising out of the selling or dispensing of
3 alcoholic liquors.

4 Nothing in this Act shall prevent a not-for-profit
5 organization or agency of the State from employing the services
6 of a catering establishment for the selling or dispensing of
7 alcoholic liquors at functions authorized by the Department of
8 Central Management Services.

9 Alcoholic liquors may be sold or delivered in a building
10 that is owned by McLean County, situated on land owned by the
11 county in the City of Bloomington, and used by the McLean
12 County Historical Society if the sale or delivery is approved
13 by an ordinance adopted by the county board, and the
14 municipality in which the building is located may not prohibit
15 that sale or delivery, notwithstanding any other provision of
16 this Section. The regulation of the sale and delivery of
17 alcoholic liquor in a building that is owned by McLean County,
18 situated on land owned by the county, and used by the McLean
19 County Historical Society as provided in this paragraph is an
20 exclusive power and function of the State and is a denial and
21 limitation under Article VII, Section 6, subsection (h) of the
22 Illinois Constitution of the power of a home rule municipality
23 to regulate that sale and delivery.

24 Alcoholic liquors may be sold or delivered in any building
25 situated on land held in trust for any school district
26 organized under Article 34 of the School Code, if the building

1 is not used for school purposes and if the sale or delivery is
2 approved by the board of education.

3 Alcoholic liquors may be sold or delivered in buildings
4 owned by the Community Building Complex Committee of Boone
5 County, Illinois if the person or facility selling or
6 dispensing the alcoholic liquor has provided dram shop
7 liability insurance with coverage and in amounts that the
8 Committee reasonably determines are necessary.

9 Alcoholic liquors may be sold or delivered in the building
10 located at 1200 Centerville Avenue in Belleville, Illinois and
11 occupied by either the Belleville Area Special Education
12 District or the Belleville Area Special Services Cooperative.

13 Alcoholic liquors may be delivered to and sold at the Louis
14 Joliet Renaissance Center, City Center Campus, located at 214
15 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts
16 Department facilities, Main Campus, located at 1215 Houbolt
17 Road, Joliet, owned by or under the control of Joliet Junior
18 College, Illinois Community College District No. 525.

19 Alcoholic liquors may be delivered to and sold at Triton
20 College, Illinois Community College District No. 504.

21 Alcoholic liquors may be delivered to and sold at the
22 College of DuPage, Illinois Community College District No. 502.

23 Alcoholic liquors may be delivered to and sold at the
24 building located at 446 East Hickory Avenue in Apple River,
25 Illinois, owned by the Apple River Fire Protection District,
26 and occupied by the Apple River Community Association if the

1 alcoholic liquor is sold or dispensed only in connection with
2 organized functions approved by the Apple River Community
3 Association for which the planned attendance is 20 or more
4 persons and if the person or facility selling or dispensing the
5 alcoholic liquor has provided dram shop liability insurance in
6 maximum limits so as to hold harmless the Apple River Fire
7 Protection District, the Village of Apple River, and the Apple
8 River Community Association from all financial loss, damage,
9 and harm.

10 Alcoholic liquors may be delivered to and sold at the Sikia
11 Restaurant, Kennedy King College Campus, located at 740 West
12 63rd Street, Chicago, and at the Food Services in the Great
13 Hall/Washburne Culinary Institute Department facility, Kennedy
14 King College Campus, located at 740 West 63rd Street, Chicago,
15 owned by or under the control of City Colleges of Chicago,
16 Illinois Community College District No. 508.

17 (Source: P.A. 97-33, eff. 6-28-11; 97-45, eff. 6-28-11; 97-51,
18 eff. 6-28-11; 97-167, eff. 7-22-11; 97-250, eff. 8-4-11;
19 97-395, eff. 8-16-11; 97-813, eff. 7-13-12; 97-1166, eff.
20 3-1-13; 98-132, eff. 8-2-13; 98-201, eff. 8-9-13; revised
21 9-24-13.)

22 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

23 Sec. 7-1. An applicant for a retail license from the State
24 Commission shall submit to the State Commission an application
25 in writing under oath stating:

- 1 (1) The applicant's name and mailing address;
- 2 (2) The name and address of the applicant's business;
- 3 (3) If applicable, the date of the filing of the
- 4 "assumed name" of the business with the County Clerk;
- 5 (4) In case of a copartnership, the date of the
- 6 formation of the partnership; in the case of an Illinois
- 7 corporation, the date of its incorporation; or in the case
- 8 of a foreign corporation, the State where it was
- 9 incorporated and the date of its becoming qualified under
- 10 the Business Corporation Act of 1983 to transact business
- 11 in the State of Illinois;
- 12 (5) The number, the date of issuance and the date of
- 13 expiration of the applicant's current local retail liquor
- 14 license;
- 15 (6) The name of the city, village, or county that
- 16 issued the local retail liquor license;
- 17 (7) The name and address of the landlord if the
- 18 premises are leased;
- 19 (8) The date of the applicant's first request for a
- 20 State liquor license and whether it was granted, denied or
- 21 withdrawn;
- 22 (9) The address of the applicant when the first
- 23 application for a State liquor license was made;
- 24 (10) The applicant's current State liquor license
- 25 number;
- 26 (11) The date the applicant began liquor sales at his

1 place of business;

2 (12) The address of the applicant's warehouse if he
3 warehouses liquor;

4 (13) The applicant's Retailers' ~~Retailer's~~ Occupation
5 Tax (ROT) Registration Number;

6 (14) The applicant's document locator ~~locator~~ number
7 on his Federal Special Tax Stamp;

8 (15) Whether the applicant is delinquent in the payment
9 of the Retailers' Occupation ~~Retailer's Occupational~~ Tax
10 (Sales Tax), and if so, the reasons therefor;

11 (16) Whether the applicant is delinquent under the cash
12 beer law, and if so, the reasons therefor;

13 (17) In the case of a retailer, whether he is
14 delinquent under the 30-day ~~30-day~~ credit law, and if so,
15 the reasons therefor;

16 (18) In the case of a distributor, whether he is
17 delinquent under the 15-day ~~15-day~~ credit law, and if so,
18 the reasons therefor;

19 (19) Whether the applicant has made an application for
20 a liquor license which has been denied, and if so, the
21 reasons therefor;

22 (20) Whether the applicant has ever had any previous
23 liquor license suspended or revoked, and if so, the reasons
24 therefor;

25 (21) Whether the applicant has ever been convicted of a
26 gambling offense or felony, and if so, the particulars

1 thereof;

2 (22) Whether the applicant possesses a current Federal
3 Wagering Stamp, and if so, the reasons therefor;

4 (23) Whether the applicant, or any other person,
5 directly in his place of business is a public official, and
6 if so, the particulars thereof;

7 (24) The applicant's name, sex, date of birth, social
8 security number, position and percentage of ownership in
9 the business; and the name, sex, date of birth, social
10 security number, position and percentage of ownership in
11 the business of every sole owner, partner, corporate
12 officer, director, manager and any person who owns 5% or
13 more of the shares of the applicant business entity or
14 parent corporations of the applicant business entity; and

15 (25) That he has not received or borrowed money or
16 anything else of value, and that he will not receive or
17 borrow money or anything else of value (other than
18 merchandising credit in the ordinary course of business for
19 a period not to exceed 90 days as herein expressly
20 permitted under Section 6-5 hereof), directly or
21 indirectly, from any manufacturer, importing distributor
22 or distributor or from any representative of any such
23 manufacturer, importing distributor or distributor, nor be
24 a party in any way, directly or indirectly, to any
25 violation by a manufacturer, distributor or importing
26 distributor of Section 6-6 of this Act.

1 In addition to any other requirement of this Section, an
2 applicant for a special use permit license and a special event
3 retailer's license shall also submit (A) proof satisfactory to
4 the Commission that the applicant has a resale number issued
5 under Section 2c of the Retailers' ~~Retailer's~~ Occupation Tax
6 Act or that the applicant is registered under Section 2a of the
7 Retailers' ~~Retailer's~~ Occupation Tax Act, (B) proof
8 satisfactory to the Commission that the applicant has a
9 current, valid exemption identification number issued under
10 Section 1g of the Retailers' Occupation Tax Act and a
11 certification to the Commission that the purchase of alcoholic
12 liquors will be a tax-exempt purchase, or (C) a statement that
13 the applicant is not registered under Section 2a of the
14 Retailers' Occupation Tax Act, does not hold a resale number
15 under Section 2c of the Retailers' Occupation Tax Act, and does
16 not hold an exemption number under Section 1g of the Retailers'
17 Occupation Tax Act. The applicant shall also submit proof of
18 adequate dram shop insurance for the special event prior to
19 being issued a license.

20 In addition to the foregoing information, such application
21 shall contain such other and further information as the State
22 Commission and the local commission may, by rule or regulation
23 not inconsistent with law, prescribe.

24 If the applicant reports a felony conviction as required
25 under paragraph (21) of this Section, such conviction may be
26 considered by the Commission in determining qualifications for

1 licensing, but shall not operate as a bar to licensing.

2 If said application is made in behalf of a partnership,
3 firm, association, club or corporation, then the same shall be
4 signed by one member of such partnership or the president or
5 secretary of such corporation or an authorized agent of said
6 partnership or corporation.

7 All other applications shall be on forms prescribed by the
8 State Commission, and which may exclude any of the above
9 requirements which the State Commission rules to be
10 inapplicable.

11 (Source: P.A. 90-596, eff. 6-24-98; 91-357, eff. 7-29-99;
12 revised 11-12-13.)

13 Section 540. The Illinois Public Aid Code is amended by
14 changing Sections 1-10, 5-5, 5-5.2, 5-5.4, 5-5f, 5A-5, 5A-8,
15 5A-12.4, 11-5.2, and 12-4.25 and by setting forth and
16 renumbering multiple versions of Section 12-4.45 as follows:

17 (305 ILCS 5/1-10)

18 Sec. 1-10. Drug convictions.

19 (a) Persons convicted of an offense under the Illinois
20 Controlled Substances Act, the Cannabis Control Act, or the
21 Methamphetamine Control and Community Protection Act which is a
22 Class X felony, or a Class 1 felony, or comparable federal
23 criminal law which has as an element the possession, use, or
24 distribution of a controlled substance, as defined in Section

1 102(6) of the federal Controlled Substances Act (21 U.S.C.
2 802(c)), shall not be eligible for cash assistance provided
3 under this Code.

4 (b) Persons convicted of any other felony under the
5 Illinois Controlled Substances Act, the Cannabis Control Act,
6 or the Methamphetamine Control and Community Protection Act
7 which is not a Class X or Class 1 felony, or comparable federal
8 criminal law which has as an element the possession, use, or
9 distribution of a controlled substance, as defined in Section
10 102(6) of the federal Controlled Substances Act (21 U.S.C.
11 802(c)), shall not be eligible for cash assistance provided
12 under this Code for 2 years from the date of conviction. This
13 prohibition shall not apply if the person is in a drug
14 treatment program, aftercare program, or similar program as
15 defined by rule.

16 (c) Persons shall not be determined ineligible for food
17 stamps provided under this Code based upon a conviction of any
18 felony or comparable federal or State criminal law which has an
19 element the possession, use or distribution of a controlled
20 substance, as defined in Section 102(6) of the federal
21 Controlled Substances ~~Substance~~ Act (21 U.S.C. 802(c)).

22 (Source: P.A. 94-556, eff. 9-11-05; revised 11-12-13.)

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 home,
8 or elsewhere; (6) medical care, or any other type of remedial
9 care furnished by licensed practitioners; (7) home health care
10 services; (8) private duty nursing service; (9) clinic
11 services; (10) dental services, including prevention and
12 treatment of periodontal disease and dental caries disease for
13 pregnant women, provided by an individual licensed to practice
14 dentistry or dental surgery; for purposes of this item (10),
15 "dental services" means diagnostic, preventive, or corrective
16 procedures provided by or under the supervision of a dentist in
17 the practice of his or her profession; (11) physical therapy
18 and related services; (12) prescribed drugs, dentures, and
19 prosthetic devices; and eyeglasses prescribed by a physician
20 skilled in the diseases of the eye, or by an optometrist,
21 whichever the person may select; (13) other diagnostic,
22 screening, preventive, and rehabilitative services, including
23 to ensure that the individual's need for intervention or
24 treatment of mental disorders or substance use disorders or
25 co-occurring mental health and substance use disorders is
26 determined using a uniform screening, assessment, and

1 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 sexual
11 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; and (17) any other medical
15 care, and any other type of remedial care recognized under the
16 laws of this State, but not including abortions, or induced
17 miscarriages or premature births, unless, in the opinion of a
18 physician, such procedures are necessary for the preservation
19 of the life of the woman seeking such treatment, or except an
20 induced premature birth intended to produce a live viable child
21 and such procedure is necessary for the health of the mother or
22 her unborn child. The Illinois Department, by rule, shall
23 prohibit any physician from providing medical assistance to
24 anyone eligible therefor under this Code where such physician
25 has been found guilty of performing an abortion procedure in a
26 wilful and wanton manner upon a woman who was not pregnant at

1 the time such abortion procedure was performed. The term "any
2 other type of remedial care" shall include nursing care and
3 nursing home service for persons who rely on treatment by
4 spiritual means alone through prayer for healing.

5 Notwithstanding any other provision of this Section, a
6 comprehensive tobacco use cessation program that includes
7 purchasing prescription drugs or prescription medical devices
8 approved by the Food and Drug Administration shall be covered
9 under the medical assistance program under this Article for
10 persons who are otherwise eligible for assistance under this
11 Article.

12 Notwithstanding any other provision of this Code, the
13 Illinois Department may not require, as a condition of payment
14 for any laboratory test authorized under this Article, that a
15 physician's handwritten signature appear on the laboratory
16 test order form. The Illinois Department may, however, impose
17 other appropriate requirements regarding laboratory test order
18 documentation.

19 On and after July 1, 2012, the Department of Healthcare and
20 Family Services may provide the following services to persons
21 eligible for assistance under this Article who are
22 participating in education, training or employment programs
23 operated by the Department of Human Services as successor to
24 the Department of Public Aid:

25 (1) dental services provided by or under the
26 supervision of a dentist; and

1 (2) eyeglasses prescribed by a physician skilled in the
2 diseases of the eye, or by an optometrist, whichever the
3 person may select.

4 Notwithstanding any other provision of this Code and
5 subject to federal approval, the Department may adopt rules to
6 allow a dentist who is volunteering his or her service at no
7 cost to render dental services through an enrolled
8 not-for-profit health clinic without the dentist personally
9 enrolling as a participating provider in the medical assistance
10 program. A not-for-profit health clinic shall include a public
11 health clinic or Federally Qualified Health Center or other
12 enrolled provider, as determined by the Department, through
13 which dental services covered under this Section are performed.
14 The Department shall establish a process for payment of claims
15 for reimbursement for covered dental services rendered under
16 this provision.

17 The Illinois Department, by rule, may distinguish and
18 classify the medical services to be provided only in accordance
19 with the classes of persons designated in Section 5-2.

20 The Department of Healthcare and Family Services must
21 provide coverage and reimbursement for amino acid-based
22 elemental formulas, regardless of delivery method, for the
23 diagnosis and treatment of (i) eosinophilic disorders and (ii)
24 short bowel syndrome when the prescribing physician has issued
25 a written order stating that the amino acid-based elemental
26 formula is medically necessary.

1 The Illinois Department shall authorize the provision of,
2 and shall authorize payment for, screening by low-dose
3 mammography for the presence of occult breast cancer for women
4 35 years of age or older who are eligible for medical
5 assistance under this Article, as follows:

6 (A) A baseline mammogram for women 35 to 39 years of
7 age.

8 (B) An annual mammogram for women 40 years of age or
9 older.

10 (C) A mammogram at the age and intervals considered
11 medically necessary by the woman's health care provider for
12 women under 40 years of age and having a family history of
13 breast cancer, prior personal history of breast cancer,
14 positive genetic testing, or other risk factors.

15 (D) A comprehensive ultrasound screening of an entire
16 breast or breasts if a mammogram demonstrates
17 heterogeneous or dense breast tissue, when medically
18 necessary as determined by a physician licensed to practice
19 medicine in all of its branches.

20 All screenings shall include a physical breast exam,
21 instruction on self-examination and information regarding the
22 frequency of self-examination and its value as a preventative
23 tool. For purposes of this Section, "low-dose mammography"
24 means the x-ray examination of the breast using equipment
25 dedicated specifically for mammography, including the x-ray
26 tube, filter, compression device, and image receptor, with an

1 average radiation exposure delivery of less than one rad per
2 breast for 2 views of an average size breast. The term also
3 includes digital mammography.

4 On and after January 1, 2012, providers participating in a
5 quality improvement program approved by the Department shall be
6 reimbursed for screening and diagnostic mammography at the same
7 rate as the Medicare program's rates, including the increased
8 reimbursement for digital mammography.

9 The Department shall convene an expert panel including
10 representatives of hospitals, free-standing mammography
11 facilities, and doctors, including radiologists, to establish
12 quality standards.

13 Subject to federal approval, the Department shall
14 establish a rate methodology for mammography at federally
15 qualified health centers and other encounter-rate clinics.
16 These clinics or centers may also collaborate with other
17 hospital-based mammography facilities.

18 The Department shall establish a methodology to remind
19 women who are age-appropriate for screening mammography, but
20 who have not received a mammogram within the previous 18
21 months, of the importance and benefit of screening mammography.

22 The Department shall establish a performance goal for
23 primary care providers with respect to their female patients
24 over age 40 receiving an annual mammogram. This performance
25 goal shall be used to provide additional reimbursement in the
26 form of a quality performance bonus to primary care providers

1 who meet that goal.

2 The Department shall devise a means of case-managing or
3 patient navigation for beneficiaries diagnosed with breast
4 cancer. This program shall initially operate as a pilot program
5 in areas of the State with the highest incidence of mortality
6 related to breast cancer. At least one pilot program site shall
7 be in the metropolitan Chicago area and at least one site shall
8 be outside the metropolitan Chicago area. An evaluation of the
9 pilot program shall be carried out measuring health outcomes
10 and cost of care for those served by the pilot program compared
11 to similarly situated patients who are not served by the pilot
12 program.

13 Any medical or health care provider shall immediately
14 recommend, to any pregnant woman who is being provided prenatal
15 services and is suspected of drug abuse or is addicted as
16 defined in the Alcoholism and Other Drug Abuse and Dependency
17 Act, referral to a local substance abuse treatment provider
18 licensed by the Department of Human Services or to a licensed
19 hospital which provides substance abuse treatment services.
20 The Department of Healthcare and Family Services shall assure
21 coverage for the cost of treatment of the drug abuse or
22 addiction for pregnant recipients in accordance with the
23 Illinois Medicaid Program in conjunction with the Department of
24 Human Services.

25 All medical providers providing medical assistance to
26 pregnant women under this Code shall receive information from

1 the Department on the availability of services under the Drug
2 Free Families with a Future or any comparable program providing
3 case management services for addicted women, including
4 information on appropriate referrals for other social services
5 that may be needed by addicted women in addition to treatment
6 for addiction.

7 The Illinois Department, in cooperation with the
8 Departments of Human Services (as successor to the Department
9 of Alcoholism and Substance Abuse) and Public Health, through a
10 public awareness campaign, may provide information concerning
11 treatment for alcoholism and drug abuse and addiction, prenatal
12 health care, and other pertinent programs directed at reducing
13 the number of drug-affected infants born to recipients of
14 medical assistance.

15 Neither the Department of Healthcare and Family Services
16 nor the Department of Human Services shall sanction the
17 recipient solely on the basis of her substance abuse.

18 The Illinois Department shall establish such regulations
19 governing the dispensing of health services under this Article
20 as it shall deem appropriate. The Department should seek the
21 advice of formal professional advisory committees appointed by
22 the Director of the Illinois Department for the purpose of
23 providing regular advice on policy and administrative matters,
24 information dissemination and educational activities for
25 medical and health care providers, and consistency in
26 procedures to the Illinois Department.

1 The Illinois Department may develop and contract with
2 Partnerships of medical providers to arrange medical services
3 for persons eligible under Section 5-2 of this Code.
4 Implementation of this Section may be by demonstration projects
5 in certain geographic areas. The Partnership shall be
6 represented by a sponsor organization. The Department, by rule,
7 shall develop qualifications for sponsors of Partnerships.
8 Nothing in this Section shall be construed to require that the
9 sponsor organization be a medical organization.

10 The sponsor must negotiate formal written contracts with
11 medical providers for physician services, inpatient and
12 outpatient hospital care, home health services, treatment for
13 alcoholism and substance abuse, and other services determined
14 necessary by the Illinois Department by rule for delivery by
15 Partnerships. Physician services must include prenatal and
16 obstetrical care. The Illinois Department shall reimburse
17 medical services delivered by Partnership providers to clients
18 in target areas according to provisions of this Article and the
19 Illinois Health Finance Reform Act, except that:

20 (1) Physicians participating in a Partnership and
21 providing certain services, which shall be determined by
22 the Illinois Department, to persons in areas covered by the
23 Partnership may receive an additional surcharge for such
24 services.

25 (2) The Department may elect to consider and negotiate
26 financial incentives to encourage the development of

1 Partnerships and the efficient delivery of medical care.

2 (3) Persons receiving medical services through
3 Partnerships may receive medical and case management
4 services above the level usually offered through the
5 medical assistance program.

6 Medical providers shall be required to meet certain
7 qualifications to participate in Partnerships to ensure the
8 delivery of high quality medical services. These
9 qualifications shall be determined by rule of the Illinois
10 Department and may be higher than qualifications for
11 participation in the medical assistance program. Partnership
12 sponsors may prescribe reasonable additional qualifications
13 for participation by medical providers, only with the prior
14 written approval of the Illinois Department.

15 Nothing in this Section shall limit the free choice of
16 practitioners, hospitals, and other providers of medical
17 services by clients. In order to ensure patient freedom of
18 choice, the Illinois Department shall immediately promulgate
19 all rules and take all other necessary actions so that provided
20 services may be accessed from therapeutically certified
21 optometrists to the full extent of the Illinois Optometric
22 Practice Act of 1987 without discriminating between service
23 providers.

24 The Department shall apply for a waiver from the United
25 States Health Care Financing Administration to allow for the
26 implementation of Partnerships under this Section.

1 The Illinois Department shall require health care
2 providers to maintain records that document the medical care
3 and services provided to recipients of Medical Assistance under
4 this Article. Such records must be retained for a period of not
5 less than 6 years from the date of service or as provided by
6 applicable State law, whichever period is longer, except that
7 if an audit is initiated within the required retention period
8 then the records must be retained until the audit is completed
9 and every exception is resolved. The Illinois Department shall
10 require health care providers to make available, when
11 authorized by the patient, in writing, the medical records in a
12 timely fashion to other health care providers who are treating
13 or serving persons eligible for Medical Assistance under this
14 Article. All dispensers of medical services shall be required
15 to maintain and retain business and professional records
16 sufficient to fully and accurately document the nature, scope,
17 details and receipt of the health care provided to persons
18 eligible for medical assistance under this Code, in accordance
19 with regulations promulgated by the Illinois Department. The
20 rules and regulations shall require that proof of the receipt
21 of 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 such
24 medical services. No such claims for reimbursement shall be
25 approved for payment by the Illinois Department without such
26 proof of receipt, unless the Illinois Department shall have put

1 into effect and shall be operating a system of post-payment
2 audit and review which shall, on a sampling basis, be deemed
3 adequate by the Illinois Department to assure that such drugs,
4 dentures, prosthetic devices and eyeglasses for which payment
5 is being made are actually being received by eligible
6 recipients. Within 90 days after the effective date of this
7 amendatory Act of 1984, the Illinois Department shall establish
8 a current list of acquisition costs for all prosthetic devices
9 and any other items recognized as medical equipment and
10 supplies reimbursable under this Article and shall update such
11 list on a quarterly basis, except that the acquisition costs of
12 all prescription drugs shall be updated no less frequently than
13 every 30 days as required by Section 5-5.12.

14 The rules and regulations of the Illinois Department shall
15 require that a written statement including the required opinion
16 of a physician shall accompany any claim for reimbursement for
17 abortions, or induced miscarriages or premature births. This
18 statement shall indicate what procedures were used in providing
19 such medical services.

20 Notwithstanding any other law to the contrary, the Illinois
21 Department shall, within 365 days after July 22, 2013 (the
22 effective date of Public Act 98-104) ~~this amendatory Act of the~~
23 ~~98th General Assembly~~, establish procedures to permit skilled
24 care facilities licensed under the Nursing Home Care Act to
25 submit monthly billing claims for reimbursement purposes.
26 Following development of these procedures, the Department

1 shall have an additional 365 days to test the viability of the
2 new system and to ensure that any necessary operational or
3 structural changes to its information technology platforms are
4 implemented.

5 The Illinois Department shall require all dispensers of
6 medical services, other than an individual practitioner or
7 group of practitioners, desiring to participate in the Medical
8 Assistance program established under this Article to disclose
9 all financial, beneficial, ownership, equity, surety or other
10 interests in any and all firms, corporations, partnerships,
11 associations, business enterprises, joint ventures, agencies,
12 institutions or other legal entities providing any form of
13 health care services in this State under this Article.

14 The Illinois Department may require that all dispensers of
15 medical services desiring to participate in the medical
16 assistance program established under this Article disclose,
17 under such terms and conditions as the Illinois Department may
18 by rule establish, all inquiries from clients and attorneys
19 regarding medical bills paid by the Illinois Department, which
20 inquiries could indicate potential existence of claims or liens
21 for the Illinois Department.

22 Enrollment of a vendor shall be subject to a provisional
23 period and shall be conditional for one year. During the period
24 of conditional enrollment, the Department may terminate the
25 vendor's eligibility to participate in, or may disenroll the
26 vendor from, the medical assistance program without cause.

1 Unless otherwise specified, such termination of eligibility or
2 disenrollment is not subject to the Department's hearing
3 process. However, a disenrolled vendor may reapply without
4 penalty.

5 The Department has the discretion to limit the conditional
6 enrollment period for vendors based upon category of risk of
7 the vendor.

8 Prior to enrollment and during the conditional enrollment
9 period in the medical assistance program, all vendors shall be
10 subject to enhanced oversight, screening, and review based on
11 the risk of fraud, waste, and abuse that is posed by the
12 category of risk of the vendor. The Illinois Department shall
13 establish the procedures for oversight, screening, and review,
14 which may include, but need not be limited to: criminal and
15 financial background checks; fingerprinting; license,
16 certification, and authorization verifications; unscheduled or
17 unannounced site visits; database checks; prepayment audit
18 reviews; audits; payment caps; payment suspensions; and other
19 screening as required by federal or State law.

20 The Department shall define or specify the following: (i)
21 by provider notice, the "category of risk of the vendor" for
22 each type of vendor, which shall take into account the level of
23 screening applicable to a particular category of vendor under
24 federal law and regulations; (ii) by rule or provider notice,
25 the maximum length of the conditional enrollment period for
26 each category of risk of the vendor; and (iii) by rule, the

1 hearing rights, if any, afforded to a vendor in each category
2 of risk of the vendor that is terminated or disenrolled during
3 the conditional enrollment period.

4 To be eligible for payment consideration, a vendor's
5 payment claim or bill, either as an initial claim or as a
6 resubmitted claim following prior rejection, must be received
7 by the Illinois Department, or its fiscal intermediary, no
8 later than 180 days after the latest date on the claim on which
9 medical goods or services were provided, with the following
10 exceptions:

11 (1) In the case of a provider whose enrollment is in
12 process by the Illinois Department, the 180-day period
13 shall not begin until the date on the written notice from
14 the Illinois Department that the provider enrollment is
15 complete.

16 (2) In the case of errors attributable to the Illinois
17 Department or any of its claims processing intermediaries
18 which result in an inability to receive, process, or
19 adjudicate a claim, the 180-day period shall not begin
20 until the provider has been notified of the error.

21 (3) In the case of a provider for whom the Illinois
22 Department initiates the monthly billing process.

23 (4) In the case of a provider operated by a unit of
24 local government with a population exceeding 3,000,000
25 when local government funds finance federal participation
26 for claims payments.

1 For claims for services rendered during a period for which
2 a recipient received retroactive eligibility, claims must be
3 filed within 180 days after the Department determines the
4 applicant is eligible. For claims for which the Illinois
5 Department is not the primary payer, claims must be submitted
6 to the Illinois Department within 180 days after the final
7 adjudication by the primary payer.

8 In the case of long term care facilities, admission
9 documents shall be submitted within 30 days of an admission to
10 the facility through the Medical Electronic Data Interchange
11 (MEDI) or the Recipient Eligibility Verification (REV) System,
12 or shall be submitted directly to the Department of Human
13 Services using required admission forms. Confirmation numbers
14 assigned to an accepted transaction shall be retained by a
15 facility to verify timely submittal. Once an admission
16 transaction has been completed, all resubmitted claims
17 following prior rejection are subject to receipt no later than
18 180 days after the admission transaction has been completed.

19 Claims that are not submitted and received in compliance
20 with the foregoing requirements shall not be eligible for
21 payment under the medical assistance program, and the State
22 shall have no liability for payment of those claims.

23 To the extent consistent with applicable information and
24 privacy, security, and disclosure laws, State and federal
25 agencies and departments shall provide the Illinois Department
26 access to confidential and other information and data necessary

1 to perform eligibility and payment verifications and other
2 Illinois Department functions. This includes, but is not
3 limited to: information pertaining to licensure;
4 certification; earnings; immigration status; citizenship; wage
5 reporting; unearned and earned income; pension income;
6 employment; supplemental security income; social security
7 numbers; National Provider Identifier (NPI) numbers; the
8 National Practitioner Data Bank (NPDB); program and agency
9 exclusions; taxpayer identification numbers; tax delinquency;
10 corporate information; and death records.

11 The Illinois Department shall enter into agreements with
12 State agencies and departments, and is authorized to enter into
13 agreements with federal agencies and departments, under which
14 such agencies and departments shall share data necessary for
15 medical assistance program integrity functions and oversight.
16 The Illinois Department shall develop, in cooperation with
17 other State departments and agencies, and in compliance with
18 applicable federal laws and regulations, appropriate and
19 effective methods to share such data. At a minimum, and to the
20 extent necessary to provide data sharing, the Illinois
21 Department shall enter into agreements with State agencies and
22 departments, and is authorized to enter into agreements with
23 federal agencies and departments, including but not limited to:
24 the Secretary of State; the Department of Revenue; the
25 Department of Public Health; the Department of Human Services;
26 and the Department of Financial and Professional Regulation.

1 Beginning in fiscal year 2013, the Illinois Department
2 shall set forth a request for information to identify the
3 benefits of a pre-payment, post-adjudication, and post-edit
4 claims system with the goals of streamlining claims processing
5 and provider reimbursement, reducing the number of pending or
6 rejected claims, and helping to ensure a more transparent
7 adjudication process through the utilization of: (i) provider
8 data verification and provider screening technology; and (ii)
9 clinical code editing; and (iii) pre-pay, pre- or
10 post-adjudicated predictive modeling with an integrated case
11 management system with link analysis. Such a request for
12 information shall not be considered as a request for proposal
13 or as an obligation on the part of the Illinois Department to
14 take any action or acquire any products or services.

15 The Illinois Department shall establish policies,
16 procedures, standards and criteria by rule for the acquisition,
17 repair and replacement of orthotic and prosthetic devices and
18 durable medical equipment. Such rules shall provide, but not be
19 limited to, the following services: (1) immediate repair or
20 replacement of such devices by recipients; and (2) rental,
21 lease, purchase or lease-purchase of durable medical equipment
22 in a cost-effective manner, taking into consideration the
23 recipient's medical prognosis, the extent of the recipient's
24 needs, and the requirements and costs for maintaining such
25 equipment. Subject to prior approval, such rules shall enable a
26 recipient to temporarily acquire and use alternative or

1 substitute devices or equipment pending repairs or
2 replacements of any device or equipment previously authorized
3 for such recipient by the Department.

4 The Department shall execute, relative to the nursing home
5 prescreening project, written inter-agency agreements with the
6 Department of Human Services and the Department on Aging, to
7 effect the following: (i) intake procedures and common
8 eligibility criteria for those persons who are receiving
9 non-institutional services; and (ii) the establishment and
10 development of non-institutional services in areas of the State
11 where they are not currently available or are undeveloped; and
12 (iii) notwithstanding any other provision of law, subject to
13 federal approval, on and after July 1, 2012, an increase in the
14 determination of need (DON) scores from 29 to 37 for applicants
15 for institutional and home and community-based long term care;
16 if and only if federal approval is not granted, the Department
17 may, in conjunction with other affected agencies, implement
18 utilization controls or changes in benefit packages to
19 effectuate a similar savings amount for this population; and
20 (iv) no later than July 1, 2013, minimum level of care
21 eligibility criteria for institutional and home and
22 community-based long term care; and (v) no later than October
23 1, 2013, establish procedures to permit long term care
24 providers access to eligibility scores for individuals with an
25 admission date who are seeking or receiving services from the
26 long term care provider. In order to select the minimum level

1 of care eligibility criteria, the Governor shall establish a
2 workgroup that includes affected agency representatives and
3 stakeholders representing the institutional and home and
4 community-based long term care interests. This Section shall
5 not restrict the Department from implementing lower level of
6 care eligibility criteria for community-based services in
7 circumstances where federal approval has been granted.

8 The Illinois Department shall develop and operate, in
9 cooperation with other State Departments and agencies and in
10 compliance with applicable federal laws and regulations,
11 appropriate and effective systems of health care evaluation and
12 programs for monitoring of utilization of health care services
13 and facilities, as it affects persons eligible for medical
14 assistance under this Code.

15 The Illinois Department shall report annually to the
16 General Assembly, no later than the second Friday in April of
17 1979 and each year thereafter, in regard to:

18 (a) actual statistics and trends in utilization of
19 medical services by public aid recipients;

20 (b) actual statistics and trends in the provision of
21 the various medical services by medical vendors;

22 (c) current rate structures and proposed changes in
23 those rate structures for the various medical vendors; and

24 (d) efforts at utilization review and control by the
25 Illinois Department.

26 The period covered by each report shall be the 3 years

1 ending on the June 30 prior to the report. The report shall
2 include suggested legislation for consideration by the General
3 Assembly. The filing of one copy of the report with the
4 Speaker, one copy with the Minority Leader and one copy with
5 the Clerk of the House of Representatives, one copy with the
6 President, one copy with the Minority Leader and one copy with
7 the Secretary of the Senate, one copy with the Legislative
8 Research Unit, and such additional copies with the State
9 Government Report Distribution Center for the General Assembly
10 as is required under paragraph (t) of Section 7 of the State
11 Library Act shall be deemed sufficient to comply with this
12 Section.

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 of
22 reimbursement for services or other payments in accordance with
23 Section 5-5e.

24 (Source: P.A. 97-48, eff. 6-28-11; 97-638, eff. 1-1-12; 97-689,
25 eff. 6-14-12; 97-1061, eff. 8-24-12; 98-104, Article 9, Section
26 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff.

1 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; revised
2 9-19-13.)

3 (305 ILCS 5/5-5.2) (from Ch. 23, par. 5-5.2)

4 Sec. 5-5.2. Payment.

5 (a) All nursing facilities that are grouped pursuant to
6 Section 5-5.1 of this Act shall receive the same rate of
7 payment for similar services.

8 (b) It shall be a matter of State policy that the Illinois
9 Department shall utilize a uniform billing cycle throughout the
10 State for the long-term care providers.

11 (c) Notwithstanding any other provisions of this Code, the
12 methodologies for reimbursement of nursing services as
13 provided under this Article shall no longer be applicable for
14 bills payable for nursing services rendered on or after a new
15 reimbursement system based on the Resource Utilization Groups
16 (RUGs) has been fully operationalized, which shall take effect
17 for services provided on or after January 1, 2014.

18 (d) The new nursing services reimbursement methodology
19 utilizing RUG-IV 48 grouper model, which shall be referred to
20 as the RUGs reimbursement system, taking effect January 1,
21 2014, shall be based on the following:

22 (1) The methodology shall be resident-driven,
23 facility-specific, and cost-based.

24 (2) Costs shall be annually rebased and case mix index
25 quarterly updated. The nursing services methodology will

1 be assigned to the Medicaid enrolled residents on record as
2 of 30 days prior to the beginning of the rate period in the
3 Department's Medicaid Management Information System (MMIS)
4 as present on the last day of the second quarter preceding
5 the rate period.

6 (3) Regional wage adjustors based on the Health Service
7 Areas (HSA) groupings and adjusters in effect on April 30,
8 2012 shall be included.

9 (4) Case mix index shall be assigned to each resident
10 class based on the Centers for Medicare and Medicaid
11 Services staff time measurement study in effect on July 1,
12 2013, utilizing an index maximization approach.

13 (5) The pool of funds available for distribution by
14 case mix and the base facility rate shall be determined
15 using the formula contained in subsection (d-1).

16 (d-1) Calculation of base year Statewide RUG-IV nursing
17 base per diem rate.

18 (1) Base rate spending pool shall be:

19 (A) The base year resident days which are
20 calculated by multiplying the number of Medicaid
21 residents in each nursing home as indicated in the MDS
22 data defined in paragraph (4) by 365.

23 (B) Each facility's nursing component per diem in
24 effect on July 1, 2012 shall be multiplied by
25 subsection (A).

26 (C) Thirteen million is added to the product of

1 subparagraph (A) and subparagraph (B) to adjust for the
2 exclusion of nursing homes defined in paragraph (5).

3 (2) For each nursing home with Medicaid residents as
4 indicated by the MDS data defined in paragraph (4),
5 weighted days adjusted for case mix and regional wage
6 adjustment shall be calculated. For each home this
7 calculation is the product of:

8 (A) Base year resident days as calculated in
9 subparagraph (A) of paragraph (1).

10 (B) The nursing home's regional wage adjustor
11 based on the Health Service Areas (HSA) groupings and
12 adjustors in effect on April 30, 2012.

13 (C) Facility weighted case mix which is the number
14 of Medicaid residents as indicated by the MDS data
15 defined in paragraph (4) multiplied by the associated
16 case weight for the RUG-IV 48 grouper model using
17 standard RUG-IV procedures for index maximization.

18 (D) The sum of the products calculated for each
19 nursing home in subparagraphs (A) through (C) above
20 shall be the base year case mix, rate adjusted weighted
21 days.

22 (3) The Statewide RUG-IV nursing base per diem rate on
23 January 1, 2014 shall be the quotient of the paragraph (1)
24 divided by the sum calculated under subparagraph (D) of
25 paragraph (2).

26 (4) Minimum Data Set (MDS) comprehensive assessments

1 for Medicaid residents on the last day of the quarter used
2 to establish the base rate.

3 (5) Nursing facilities designated as of July 1, 2012 by
4 the Department as "Institutions for Mental Disease" shall
5 be excluded from all calculations under this subsection.
6 The data from these facilities shall not be used in the
7 computations described in paragraphs (1) through (4) above
8 to establish the base rate.

9 (e) Notwithstanding any other provision of this Code, the
10 Department shall by rule develop a reimbursement methodology
11 reflective of the intensity of care and services requirements
12 of low need residents in the lowest RUG IV groupers and
13 corresponding regulations. Only that portion of the RUGs
14 Reimbursement System spending pool described in subsection
15 (d-1) attributed to the groupers as of July 1, 2013 for which
16 the methodology in this Section is developed may be diverted
17 for this purpose. The Department shall submit the rules no
18 later than January 1, 2014 for an implementation date no later
19 than January 1, 2015. If the Department does not implement this
20 reimbursement methodology by the required date, the nursing
21 component per diem on January 1, 2015 for residents classified
22 in RUG-IV groups PA1, PA2, BA1, and BA2 shall be the blended
23 rate of the calculated RUG-IV nursing component per diem and
24 the nursing component per diem in effect on July 1, 2012. This
25 blended rate shall be applied only to nursing homes whose
26 resident population is greater than or equal to 70% of the

1 total residents served and whose RUG-IV nursing component per
2 diem rate is less than the nursing component per diem in effect
3 on July 1, 2012. This blended rate shall be in effect until the
4 reimbursement methodology is implemented or until July 1, 2019,
5 whichever is sooner.

6 (e-1) Notwithstanding any other provision of this Article,
7 rates established pursuant to this subsection shall not apply
8 to any and all nursing facilities designated by the Department
9 as "Institutions for Mental Disease" and shall be excluded from
10 the RUGs Reimbursement System applicable to facilities not
11 designated as "Institutions for the Mentally Diseased" by the
12 Department.

13 (e-2) For dates of services beginning January 1, 2014, the
14 RUG-IV nursing component per diem for a nursing home shall be
15 the product of the statewide RUG-IV nursing base per diem rate,
16 the facility average case mix index, and the regional wage
17 adjustor. Transition rates for services provided between
18 January 1, 2014 and December 31, 2014 shall be as follows:

19 (1) The transition RUG-IV per diem nursing rate for
20 nursing homes whose rate calculated in this subsection
21 (e-2) is greater than the nursing component rate in effect
22 July 1, 2012 shall be paid the sum of:

23 (A) The nursing component rate in effect July 1,
24 2012; plus

25 (B) The difference of the RUG-IV nursing component
26 per diem calculated for the current quarter minus the

1 nursing component rate in effect July 1, 2012
2 multiplied by 0.88.

3 (2) The transition RUG-IV per diem nursing rate for
4 nursing homes whose rate calculated in this subsection
5 (e-2) is less than the nursing component rate in effect
6 July 1, 2012 shall be paid the sum of:

7 (A) The nursing component rate in effect July 1,
8 2012; plus

9 (B) The difference of the RUG-IV nursing component
10 per diem calculated for the current quarter minus the
11 nursing component rate in effect July 1, 2012
12 multiplied by 0.13.

13 (f) Notwithstanding any other provision of this Code, on
14 and after July 1, 2012, reimbursement rates associated with the
15 nursing or support components of the current nursing facility
16 rate methodology shall not increase beyond the level effective
17 May 1, 2011 until a new reimbursement system based on the RUGs
18 IV 48 grouper model has been fully operationalized.

19 (g) Notwithstanding any other provision of this Code, on
20 and after July 1, 2012, for facilities not designated by the
21 Department of Healthcare and Family Services as "Institutions
22 for Mental Disease", rates effective May 1, 2011 shall be
23 adjusted as follows:

24 (1) Individual nursing rates for residents classified
25 in RUG IV groups PA1, PA2, BA1, and BA2 during the quarter
26 ending March 31, 2012 shall be reduced by 10%;

1 (2) Individual nursing rates for residents classified
2 in all other RUG IV groups shall be reduced by 1.0%;

3 (3) Facility rates for the capital and support
4 components shall be reduced by 1.7%.

5 (h) Notwithstanding any other provision of this Code, on
6 and after July 1, 2012, nursing facilities designated by the
7 Department of Healthcare and Family Services as "Institutions
8 for Mental Disease" and "Institutions for Mental Disease" that
9 are facilities licensed under the Specialized Mental Health
10 Rehabilitation Act of 2013 shall have the nursing,
11 socio-developmental, capital, and support components of their
12 reimbursement rate effective May 1, 2011 reduced in total by
13 2.7%.

14 (Source: P.A. 97-689, eff. 6-14-12; 98-104, Article 6, Section
15 6-240, eff. 7-22-13; 98-104, Article 11, Section 11-35, eff.
16 7-22-13; revised 9-19-13.)

17 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

18 Sec. 5-5.4. Standards of Payment - Department of Healthcare
19 and Family Services. The Department of Healthcare and Family
20 Services shall develop standards of payment of nursing facility
21 and ICF/DD services in facilities providing such services under
22 this Article which:

23 (1) Provide for the determination of a facility's payment
24 for nursing facility or ICF/DD services on a prospective basis.
25 The amount of the payment rate for all nursing facilities

1 certified by the Department of Public Health under the ID/DD
2 Community Care Act or the Nursing Home Care Act as Intermediate
3 Care for the Developmentally Disabled facilities, Long Term
4 Care for Under Age 22 facilities, Skilled Nursing facilities,
5 or Intermediate Care facilities under the medical assistance
6 program shall be prospectively established annually on the
7 basis of historical, financial, and statistical data
8 reflecting actual costs from prior years, which shall be
9 applied to the current rate year and updated for inflation,
10 except that the capital cost element for newly constructed
11 facilities shall be based upon projected budgets. The annually
12 established payment rate shall take effect on July 1 in 1984
13 and subsequent years. No rate increase and no update for
14 inflation shall be provided on or after July 1, 1994, unless
15 specifically provided for in this Section. The changes made by
16 Public Act 93-841 extending the duration of the prohibition
17 against a rate increase or update for inflation are effective
18 retroactive to July 1, 2004.

19 For facilities licensed by the Department of Public Health
20 under the Nursing Home Care Act as Intermediate Care for the
21 Developmentally Disabled facilities or Long Term Care for Under
22 Age 22 facilities, the rates taking effect on July 1, 1998
23 shall include an increase of 3%. For facilities licensed by the
24 Department of Public Health under the Nursing Home Care Act as
25 Skilled Nursing facilities or Intermediate Care facilities,
26 the rates taking effect on July 1, 1998 shall include an

1 increase of 3% plus \$1.10 per resident-day, as defined by the
2 Department. For facilities licensed by the Department of Public
3 Health under the Nursing Home Care Act as Intermediate Care
4 Facilities for the Developmentally Disabled or Long Term Care
5 for Under Age 22 facilities, the rates taking effect on January
6 1, 2006 shall include an increase of 3%. For facilities
7 licensed by the Department of Public Health under the Nursing
8 Home Care Act as Intermediate Care Facilities for the
9 Developmentally Disabled or Long Term Care for Under Age 22
10 facilities, the rates taking effect on January 1, 2009 shall
11 include an increase sufficient to provide a \$0.50 per hour wage
12 increase for non-executive staff.

13 For facilities licensed by the Department of Public Health
14 under the Nursing Home Care Act as Intermediate Care for the
15 Developmentally Disabled facilities or Long Term Care for Under
16 Age 22 facilities, the rates taking effect on July 1, 1999
17 shall include an increase of 1.6% plus \$3.00 per resident-day,
18 as defined by the Department. For facilities licensed by the
19 Department of Public Health under the Nursing Home Care Act as
20 Skilled Nursing facilities or Intermediate Care facilities,
21 the rates taking effect on July 1, 1999 shall include an
22 increase of 1.6% and, for services provided on or after October
23 1, 1999, shall be increased by \$4.00 per resident-day, as
24 defined by the Department.

25 For facilities licensed by the Department of Public Health
26 under the Nursing Home Care Act as Intermediate Care for the

1 Developmentally Disabled facilities or Long Term Care for Under
2 Age 22 facilities, the rates taking effect on July 1, 2000
3 shall include an increase of 2.5% per resident-day, as defined
4 by the Department. For facilities licensed by the Department of
5 Public Health under the Nursing Home Care Act as Skilled
6 Nursing facilities or Intermediate Care facilities, the rates
7 taking effect on July 1, 2000 shall include an increase of 2.5%
8 per resident-day, as defined by the Department.

9 For facilities licensed by the Department of Public Health
10 under the Nursing Home Care Act as skilled nursing facilities
11 or intermediate care facilities, a new payment methodology must
12 be implemented for the nursing component of the rate effective
13 July 1, 2003. The Department of Public Aid (now Healthcare and
14 Family Services) shall develop the new payment methodology
15 using the Minimum Data Set (MDS) as the instrument to collect
16 information concerning nursing home resident condition
17 necessary to compute the rate. The Department shall develop the
18 new payment methodology to meet the unique needs of Illinois
19 nursing home residents while remaining subject to the
20 appropriations provided by the General Assembly. A transition
21 period from the payment methodology in effect on June 30, 2003
22 to the payment methodology in effect on July 1, 2003 shall be
23 provided for a period not exceeding 3 years and 184 days after
24 implementation of the new payment methodology as follows:

25 (A) For a facility that would receive a lower nursing
26 component rate per patient day under the new system than

1 the facility received effective on the date immediately
2 preceding the date that the Department implements the new
3 payment methodology, the nursing component rate per
4 patient day for the facility shall be held at the level in
5 effect on the date immediately preceding the date that the
6 Department implements the new payment methodology until a
7 higher nursing component rate of reimbursement is achieved
8 by that facility.

9 (B) For a facility that would receive a higher nursing
10 component rate per patient day under the payment
11 methodology in effect on July 1, 2003 than the facility
12 received effective on the date immediately preceding the
13 date that the Department implements the new payment
14 methodology, the nursing component rate per patient day for
15 the facility shall be adjusted.

16 (C) Notwithstanding paragraphs (A) and (B), the
17 nursing component rate per patient day for the facility
18 shall be adjusted subject to appropriations provided by the
19 General Assembly.

20 For facilities licensed by the Department of Public Health
21 under the Nursing Home Care Act as Intermediate Care for the
22 Developmentally Disabled facilities or Long Term Care for Under
23 Age 22 facilities, the rates taking effect on March 1, 2001
24 shall include a statewide increase of 7.85%, as defined by the
25 Department.

26 Notwithstanding any other provision of this Section, for

1 facilities licensed by the Department of Public Health under
2 the Nursing Home Care Act as skilled nursing facilities or
3 intermediate care facilities, except facilities participating
4 in the Department's demonstration program pursuant to the
5 provisions of Title 77, Part 300, Subpart T of the Illinois
6 Administrative Code, the numerator of the ratio used by the
7 Department of Healthcare and Family Services to compute the
8 rate payable under this Section using the Minimum Data Set
9 (MDS) methodology shall incorporate the following annual
10 amounts as the additional funds appropriated to the Department
11 specifically to pay for rates based on the MDS nursing
12 component methodology in excess of the funding in effect on
13 December 31, 2006:

14 (i) For rates taking effect January 1, 2007,
15 \$60,000,000.

16 (ii) For rates taking effect January 1, 2008,
17 \$110,000,000.

18 (iii) For rates taking effect January 1, 2009,
19 \$194,000,000.

20 (iv) For rates taking effect April 1, 2011, or the
21 first day of the month that begins at least 45 days after
22 the effective date of this amendatory Act of the 96th
23 General Assembly, \$416,500,000 or an amount as may be
24 necessary to complete the transition to the MDS methodology
25 for the nursing component of the rate. Increased payments
26 under this item (iv) are not due and payable, however,

1 until (i) the methodologies described in this paragraph are
2 approved by the federal government in an appropriate State
3 Plan amendment and (ii) the assessment imposed by Section
4 5B-2 of this Code is determined to be a permissible tax
5 under Title XIX of the Social Security Act.

6 Notwithstanding any other provision of this Section, for
7 facilities licensed by the Department of Public Health under
8 the Nursing Home Care Act as skilled nursing facilities or
9 intermediate care facilities, the support component of the
10 rates taking effect on January 1, 2008 shall be computed using
11 the most recent cost reports on file with the Department of
12 Healthcare and Family Services no later than April 1, 2005,
13 updated for inflation to January 1, 2006.

14 For facilities licensed by the Department of Public Health
15 under the Nursing Home Care Act as Intermediate Care for the
16 Developmentally Disabled facilities or Long Term Care for Under
17 Age 22 facilities, the rates taking effect on April 1, 2002
18 shall include a statewide increase of 2.0%, as defined by the
19 Department. This increase terminates on July 1, 2002; beginning
20 July 1, 2002 these rates are reduced to the level of the rates
21 in effect on March 31, 2002, as defined by the Department.

22 For facilities licensed by the Department of Public Health
23 under the Nursing Home Care Act as skilled nursing facilities
24 or intermediate care facilities, the rates taking effect on
25 July 1, 2001 shall be computed using the most recent cost
26 reports on file with the Department of Public Aid no later than

1 April 1, 2000, updated for inflation to January 1, 2001. For
2 rates effective July 1, 2001 only, rates shall be the greater
3 of the rate computed for July 1, 2001 or the rate effective on
4 June 30, 2001.

5 Notwithstanding any other provision of this Section, for
6 facilities licensed by the Department of Public Health under
7 the Nursing Home Care Act as skilled nursing facilities or
8 intermediate care facilities, the Illinois Department shall
9 determine by rule the rates taking effect on July 1, 2002,
10 which shall be 5.9% less than the rates in effect on June 30,
11 2002.

12 Notwithstanding any other provision of this Section, for
13 facilities licensed by the Department of Public Health under
14 the Nursing Home Care Act as skilled nursing facilities or
15 intermediate care facilities, if the payment methodologies
16 required under Section 5A-12 and the waiver granted under 42
17 CFR 433.68 are approved by the United States Centers for
18 Medicare and Medicaid Services, the rates taking effect on July
19 1, 2004 shall be 3.0% greater than the rates in effect on June
20 30, 2004. These rates shall take effect only upon approval and
21 implementation of the payment methodologies required under
22 Section 5A-12.

23 Notwithstanding any other provisions of this Section, for
24 facilities licensed by the Department of Public Health under
25 the Nursing Home Care Act as skilled nursing facilities or
26 intermediate care facilities, the rates taking effect on

1 January 1, 2005 shall be 3% more than the rates in effect on
2 December 31, 2004.

3 Notwithstanding any other provision of this Section, for
4 facilities licensed by the Department of Public Health under
5 the Nursing Home Care Act as skilled nursing facilities or
6 intermediate care facilities, effective January 1, 2009, the
7 per diem support component of the rates effective on January 1,
8 2008, computed using the most recent cost reports on file with
9 the Department of Healthcare and Family Services no later than
10 April 1, 2005, updated for inflation to January 1, 2006, shall
11 be increased to the amount that would have been derived using
12 standard Department of Healthcare and Family Services methods,
13 procedures, and inflators.

14 Notwithstanding any other provisions of this Section, for
15 facilities licensed by the Department of Public Health under
16 the Nursing Home Care Act as intermediate care facilities that
17 are federally defined as Institutions for Mental Disease, or
18 facilities licensed by the Department of Public Health under
19 the Specialized Mental Health Rehabilitation Act of 2013, a
20 socio-development component rate equal to 6.6% of the
21 facility's nursing component rate as of January 1, 2006 shall
22 be established and paid effective July 1, 2006. The
23 socio-development component of the rate shall be increased by a
24 factor of 2.53 on the first day of the month that begins at
25 least 45 days after January 11, 2008 (the effective date of
26 Public Act 95-707). As of August 1, 2008, the socio-development

1 component rate shall be equal to 6.6% of the facility's nursing
2 component rate as of January 1, 2006, multiplied by a factor of
3 3.53. For services provided on or after April 1, 2011, or the
4 first day of the month that begins at least 45 days after the
5 effective date of this amendatory Act of the 96th General
6 Assembly, whichever is later, the Illinois Department may by
7 rule adjust these socio-development component rates, and may
8 use different adjustment methodologies for those facilities
9 participating, and those not participating, in the Illinois
10 Department's demonstration program pursuant to the provisions
11 of Title 77, Part 300, Subpart T of the Illinois Administrative
12 Code, but in no case may such rates be diminished below those
13 in effect on August 1, 2008.

14 For facilities licensed by the Department of Public Health
15 under the Nursing Home Care Act as Intermediate Care for the
16 Developmentally Disabled facilities or as long-term care
17 facilities for residents under 22 years of age, the rates
18 taking effect on July 1, 2003 shall include a statewide
19 increase of 4%, as defined by the Department.

20 For facilities licensed by the Department of Public Health
21 under the Nursing Home Care Act as Intermediate Care for the
22 Developmentally Disabled facilities or Long Term Care for Under
23 Age 22 facilities, the rates taking effect on the first day of
24 the month that begins at least 45 days after the effective date
25 of this amendatory Act of the 95th General Assembly shall
26 include a statewide increase of 2.5%, as defined by the

1 Department.

2 Notwithstanding any other provision of this Section, for
3 facilities licensed by the Department of Public Health under
4 the Nursing Home Care Act as skilled nursing facilities or
5 intermediate care facilities, effective January 1, 2005,
6 facility rates shall be increased by the difference between (i)
7 a facility's per diem property, liability, and malpractice
8 insurance costs as reported in the cost report filed with the
9 Department of Public Aid and used to establish rates effective
10 July 1, 2001 and (ii) those same costs as reported in the
11 facility's 2002 cost report. These costs shall be passed
12 through to the facility without caps or limitations, except for
13 adjustments required under normal auditing procedures.

14 Rates established effective each July 1 shall govern
15 payment for services rendered throughout that fiscal year,
16 except that rates established on July 1, 1996 shall be
17 increased by 6.8% for services provided on or after January 1,
18 1997. Such rates will be based upon the rates calculated for
19 the year beginning July 1, 1990, and for subsequent years
20 thereafter until June 30, 2001 shall be based on the facility
21 cost reports for the facility fiscal year ending at any point
22 in time during the previous calendar year, updated to the
23 midpoint of the rate year. The cost report shall be on file
24 with the Department no later than April 1 of the current rate
25 year. Should the cost report not be on file by April 1, the
26 Department shall base the rate on the latest cost report filed

1 by each skilled care facility and intermediate care facility,
2 updated to the midpoint of the current rate year. In
3 determining rates for services rendered on and after July 1,
4 1985, fixed time shall not be computed at less than zero. The
5 Department shall not make any alterations of regulations which
6 would reduce any component of the Medicaid rate to a level
7 below what that component would have been utilizing in the rate
8 effective on July 1, 1984.

9 (2) Shall take into account the actual costs incurred by
10 facilities in providing services for recipients of skilled
11 nursing and intermediate care services under the medical
12 assistance program.

13 (3) Shall take into account the medical and psycho-social
14 characteristics and needs of the patients.

15 (4) Shall take into account the actual costs incurred by
16 facilities in meeting licensing and certification standards
17 imposed and prescribed by the State of Illinois, any of its
18 political subdivisions or municipalities and by the U.S.
19 Department of Health and Human Services pursuant to Title XIX
20 of the Social Security Act.

21 The Department of Healthcare and Family Services shall
22 develop precise standards for payments to reimburse nursing
23 facilities for any utilization of appropriate rehabilitative
24 personnel for the provision of rehabilitative services which is
25 authorized by federal regulations, including reimbursement for
26 services provided by qualified therapists or qualified

1 assistants, and which is in accordance with accepted
2 professional practices. Reimbursement also may be made for
3 utilization of other supportive personnel under appropriate
4 supervision.

5 The Department shall develop enhanced payments to offset
6 the additional costs incurred by a facility serving exceptional
7 need residents and shall allocate at least \$4,000,000 of the
8 funds collected from the assessment established by Section 5B-2
9 of this Code for such payments. For the purpose of this
10 Section, "exceptional needs" means, but need not be limited to,
11 ventilator care and traumatic brain injury care. The enhanced
12 payments for exceptional need residents under this paragraph
13 are not due and payable, however, until (i) the methodologies
14 described in this paragraph are approved by the federal
15 government in an appropriate State Plan amendment and (ii) the
16 assessment imposed by Section 5B-2 of this Code is determined
17 to be a permissible tax under Title XIX of the Social Security
18 Act.

19 Beginning January 1, 2014 the methodologies for
20 reimbursement of nursing facility services as provided under
21 this Section 5-5.4 shall no longer be applicable for services
22 provided on or after January 1, 2014.

23 No payment increase under this Section for the MDS
24 methodology, exceptional care residents, or the
25 socio-development component rate established by Public Act
26 96-1530 of the 96th General Assembly and funded by the

1 assessment imposed under Section 5B-2 of this Code shall be due
2 and payable until after the Department notifies the long-term
3 care providers, in writing, that the payment methodologies to
4 long-term care providers required under this Section have been
5 approved by the Centers for Medicare and Medicaid Services of
6 the U.S. Department of Health and Human Services and the
7 waivers under 42 CFR 433.68 for the assessment imposed by this
8 Section, if necessary, have been granted by the Centers for
9 Medicare and Medicaid Services of the U.S. Department of Health
10 and Human Services. Upon notification to the Department of
11 approval of the payment methodologies required under this
12 Section and the waivers granted under 42 CFR 433.68, all
13 increased payments otherwise due under this Section prior to
14 the date of notification shall be due and payable within 90
15 days of the date federal approval is received.

16 On and after July 1, 2012, the Department shall reduce any
17 rate of reimbursement for services or other payments or alter
18 any methodologies authorized by this Code to reduce any rate of
19 reimbursement for services or other payments in accordance with
20 Section 5-5e.

21 (Source: P.A. 97-10, eff. 6-14-11; 97-38, eff. 6-28-11; 97-227,
22 eff. 1-1-12; 97-584, eff. 8-26-11; 97-689, eff. 6-14-12;
23 97-813, eff. 7-13-12; 98-24, eff. 6-19-13; 98-104, eff.
24 7-22-13; revised 9-19-13.)

1 Sec. 5-5f. Elimination and limitations of medical
2 assistance services. Notwithstanding any other provision of
3 this Code to the contrary, on and after July 1, 2012:

4 (a) The following services shall no longer be a covered
5 service available under this Code: group psychotherapy for
6 residents of any facility licensed under the Nursing Home Care
7 Act or the Specialized Mental Health Rehabilitation Act of
8 2013; and adult chiropractic services.

9 (b) The Department shall place the following limitations on
10 services: (i) the Department shall limit adult eyeglasses to
11 one pair every 2 years; (ii) the Department shall set an annual
12 limit of a maximum of 20 visits for each of the following
13 services: adult speech, hearing, and language therapy
14 services, adult occupational therapy services, and physical
15 therapy services; (iii) the Department shall limit adult
16 podiatry services to individuals with diabetes; (iv) the
17 Department shall pay for caesarean sections at the normal
18 vaginal delivery rate unless a caesarean section was medically
19 necessary; (v) the Department shall limit adult dental services
20 to emergencies; beginning July 1, 2013, the Department shall
21 ensure that the following conditions are recognized as
22 emergencies: (A) dental services necessary for an individual in
23 order for the individual to be cleared for a medical procedure,
24 such as a transplant; (B) extractions and dentures necessary
25 for a diabetic to receive proper nutrition; (C) extractions and
26 dentures necessary as a result of cancer treatment; and (D)

1 dental services necessary for the health of a pregnant woman
2 prior to delivery of her baby; and (vi) effective July 1, 2012,
3 the Department shall place limitations and require concurrent
4 review on every inpatient detoxification stay to prevent repeat
5 admissions to any hospital for detoxification within 60 days of
6 a previous inpatient detoxification stay. The Department shall
7 convene a workgroup of hospitals, substance abuse providers,
8 care coordination entities, managed care plans, and other
9 stakeholders to develop recommendations for quality standards,
10 diversion to other settings, and admission criteria for
11 patients who need inpatient detoxification, which shall be
12 published on the Department's website no later than September
13 1, 2013.

14 (c) The Department shall require prior approval of the
15 following services: wheelchair repairs costing more than \$400,
16 coronary artery bypass graft, and bariatric surgery consistent
17 with Medicare standards concerning patient responsibility.
18 Wheelchair repair prior approval requests shall be adjudicated
19 within one business day of receipt of complete supporting
20 documentation. Providers may not break wheelchair repairs into
21 separate claims for purposes of staying under the \$400
22 threshold for requiring prior approval. The wholesale price of
23 manual and power wheelchairs, durable medical equipment and
24 supplies, and complex rehabilitation technology products and
25 services shall be defined as actual acquisition cost including
26 all discounts.

1 (d) The Department shall establish benchmarks for
2 hospitals to measure and align payments to reduce potentially
3 preventable hospital readmissions, inpatient complications,
4 and unnecessary emergency room visits. In doing so, the
5 Department shall consider items, including, but not limited to,
6 historic and current acuity of care and historic and current
7 trends in readmission. The Department shall publish
8 provider-specific historical readmission data and anticipated
9 potentially preventable targets 60 days prior to the start of
10 the program. In the instance of readmissions, the Department
11 shall adopt policies and rates of reimbursement for services
12 and other payments provided under this Code to ensure that, by
13 June 30, 2013, expenditures to hospitals are reduced by, at a
14 minimum, \$40,000,000.

15 (e) The Department shall establish utilization controls
16 for the hospice program such that it shall not pay for other
17 care services when an individual is in hospice.

18 (f) For home health services, the Department shall require
19 Medicare certification of providers participating in the
20 program and implement the Medicare face-to-face encounter
21 rule. The Department shall require providers to implement
22 auditable electronic service verification based on global
23 positioning systems or other cost-effective technology.

24 (g) For the Home Services Program operated by the
25 Department of Human Services and the Community Care Program
26 operated by the Department on Aging, the Department of Human

1 Services, in cooperation with the Department on Aging, shall
2 implement an electronic service verification based on global
3 positioning systems or other cost-effective technology.

4 (h) Effective with inpatient hospital admissions on or
5 after July 1, 2012, the Department shall reduce the payment for
6 a claim that indicates the occurrence of a provider-preventable
7 condition during the admission as specified by the Department
8 in rules. The Department shall not pay for services related to
9 an other provider-preventable condition.

10 As used in this subsection (h):

11 "Provider-preventable condition" means a health care
12 acquired condition as defined under the federal Medicaid
13 regulation found at 42 CFR 447.26 or an other
14 provider-preventable condition.

15 "Other provider-preventable condition" means a wrong
16 surgical or other invasive procedure performed on a patient, a
17 surgical or other invasive procedure performed on the wrong
18 body part, or a surgical procedure or other invasive procedure
19 performed on the wrong patient.

20 (i) The Department shall implement cost savings
21 initiatives for advanced imaging services, cardiac imaging
22 services, pain management services, and back surgery. Such
23 initiatives shall be designed to achieve annual costs savings.

24 (j) The Department shall ensure that beneficiaries with a
25 diagnosis of epilepsy or seizure disorder in Department records
26 will not require prior approval for anticonvulsants.

1 (Source: P.A. 97-689, eff. 6-14-12; 98-104, Article 6, Section
2 6-240, eff. 7-22-13; 98-104, Article 9, Section 9-5, eff.
3 7-22-13; revised 9-19-13.)

4 (305 ILCS 5/5A-5) (from Ch. 23, par. 5A-5)
5 Sec. 5A-5. Notice; penalty; maintenance of records.

6 (a) The Illinois Department shall send a notice of
7 assessment to every hospital provider subject to assessment
8 under this Article. The notice of assessment shall notify the
9 hospital of its assessment and shall be sent after receipt by
10 the Department of notification from the Centers for Medicare
11 and Medicaid Services of the U.S. Department of Health and
12 Human Services that the payment methodologies required under
13 this Article and, if necessary, the waiver granted under 42 CFR
14 433.68 have been approved. The notice shall be on a form
15 prepared by the Illinois Department and shall state the
16 following:

17 (1) The name of the hospital provider.

18 (2) The address of the hospital provider's principal
19 place of business from which the provider engages in the
20 occupation of hospital provider in this State, and the name
21 and address of each hospital operated, conducted, or
22 maintained by the provider in this State.

23 (3) The occupied bed days, occupied bed days less
24 Medicare days, adjusted gross hospital revenue, or
25 outpatient gross revenue of the hospital provider

1 (whichever is applicable), the amount of assessment
2 imposed under Section 5A-2 for the State fiscal year for
3 which the notice is sent, and the amount of each
4 installment to be paid during the State fiscal year.

5 (4) (Blank).

6 (5) Other reasonable information as determined by the
7 Illinois Department.

8 (b) If a hospital provider conducts, operates, or maintains
9 more than one hospital licensed by the Illinois Department of
10 Public Health, the provider shall pay the assessment for each
11 hospital separately.

12 (c) Notwithstanding any other provision in this Article, in
13 the case of a person who ceases to conduct, operate, or
14 maintain a hospital in respect of which the person is subject
15 to assessment under this Article as a hospital provider, the
16 assessment for the State fiscal year in which the cessation
17 occurs shall be adjusted by multiplying the assessment computed
18 under Section 5A-2 by a fraction, the numerator of which is the
19 number of days in the year during which the provider conducts,
20 operates, or maintains the hospital and the denominator of
21 which is 365. Immediately upon ceasing to conduct, operate, or
22 maintain a hospital, the person shall pay the assessment for
23 the year as so adjusted (to the extent not previously paid).

24 (d) Notwithstanding any other provision in this Article, a
25 provider who commences conducting, operating, or maintaining a
26 hospital, upon notice by the Illinois Department, shall pay the

1 assessment computed under Section 5A-2 and subsection (e) in
2 installments on the due dates stated in the notice and on the
3 regular installment due dates for the State fiscal year
4 occurring after the due dates of the initial notice.

5 (e) Notwithstanding any other provision in this Article,
6 for State fiscal years 2009 through 2015 ~~2014~~, in the case of a
7 hospital provider that did not conduct, operate, or maintain a
8 hospital in 2005, the assessment for that State fiscal year
9 shall be computed on the basis of hypothetical occupied bed
10 days for the full calendar year as determined by the Illinois
11 Department. Notwithstanding any other provision in this
12 Article, for the portion of State fiscal year 2012 beginning
13 June 10, 2012 through June 30, 2012, and for State fiscal years
14 2013 through 2014, and for July 1, 2014 through December 31,
15 2014, in the case of a hospital provider that did not conduct,
16 operate, or maintain a hospital in 2009, the assessment under
17 subsection (b-5) of Section 5A-2 for that State fiscal year
18 shall be computed on the basis of hypothetical gross outpatient
19 revenue for the full calendar year as determined by the
20 Illinois Department.

21 (f) Every hospital provider subject to assessment under
22 this Article shall keep sufficient records to permit the
23 determination of adjusted gross hospital revenue for the
24 hospital's fiscal year. All such records shall be kept in the
25 English language and shall, at all times during regular
26 business hours of the day, be subject to inspection by the

1 Illinois Department or its duly authorized agents and
2 employees.

3 (g) The Illinois Department may, by rule, provide a
4 hospital provider a reasonable opportunity to request a
5 clarification or correction of any clerical or computational
6 errors contained in the calculation of its assessment, but such
7 corrections shall not extend to updating the cost report
8 information used to calculate the assessment.

9 (h) (Blank).

10 (Source: P.A. 97-688, eff. 6-14-12; 97-689, eff. 6-14-12;
11 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; revised 10-21-13.)

12 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

13 Sec. 5A-8. Hospital Provider Fund.

14 (a) There is created in the State Treasury the Hospital
15 Provider Fund. Interest earned by the Fund shall be credited to
16 the Fund. The Fund shall not be used to replace any moneys
17 appropriated to the Medicaid program by the General Assembly.

18 (b) The Fund is created for the purpose of receiving moneys
19 in accordance with Section 5A-6 and disbursing moneys only for
20 the following purposes, notwithstanding any other provision of
21 law:

22 (1) For making payments to hospitals as required under
23 this Code, under the Children's Health Insurance Program
24 Act, under the Covering ALL KIDS Health Insurance Act, and
25 under the Long Term Acute Care Hospital Quality Improvement

1 Transfer Program Act.

2 (2) For the reimbursement of moneys collected by the
3 Illinois Department from hospitals or hospital providers
4 through error or mistake in performing the activities
5 authorized under this Code.

6 (3) For payment of administrative expenses incurred by
7 the Illinois Department or its agent in performing
8 activities under this Code, under the Children's Health
9 Insurance Program Act, under the Covering ALL KIDS Health
10 Insurance Act, and under the Long Term Acute Care Hospital
11 Quality Improvement Transfer Program Act.

12 (4) For payments of any amounts which are reimbursable
13 to the federal government for payments from this Fund which
14 are required to be paid by State warrant.

15 (5) For making transfers, as those transfers are
16 authorized in the proceedings authorizing debt under the
17 Short Term Borrowing Act, but transfers made under this
18 paragraph (5) shall not exceed the principal amount of debt
19 issued in anticipation of the receipt by the State of
20 moneys to be deposited into the Fund.

21 (6) For making transfers to any other fund in the State
22 treasury, but transfers made under this paragraph (6) shall
23 not exceed the amount transferred previously from that
24 other fund into the Hospital Provider Fund plus any
25 interest that would have been earned by that fund on the
26 monies that had been transferred.

1 (6.5) For making transfers to the Healthcare Provider
 2 Relief Fund, except that transfers made under this
 3 paragraph (6.5) shall not exceed \$60,000,000 in the
 4 aggregate.

5 (7) For making transfers not exceeding the following
 6 amounts, in State fiscal years 2013 and 2014 in each State
 7 fiscal year during which an assessment is imposed pursuant
 8 to Section 5A-2, to the following designated funds:

9	Health and Human Services Medicaid Trust	
10	Fund	\$20,000,000
11	Long-Term Care Provider Fund	\$30,000,000
12	General Revenue Fund	\$80,000,000.

13 Transfers under this paragraph shall be made within 7 days
 14 after the payments have been received pursuant to the
 15 schedule of payments provided in subsection (a) of Section
 16 5A-4.

17 (7.1) For making transfers not exceeding the following
 18 amounts, in State fiscal year 2015, to the following
 19 designated funds:

20	Health and Human Services Medicaid Trust	
21	Fund	\$10,000,000
22	Long-Term Care Provider Fund	\$15,000,000
23	General Revenue Fund	\$40,000,000.

24 Transfers under this paragraph shall be made within 7 days
 25 after the payments have been received pursuant to the
 26 schedule of payments provided in subsection (a) of Section

1 5A-4.

2 (7.5) (Blank).

3 (7.8) (Blank).

4 (7.9) (Blank).

5 (7.10) For State fiscal years 2013 and 2014, for making
6 transfers of the moneys resulting from the assessment under
7 subsection (b-5) of Section 5A-2 and received from hospital
8 providers under Section 5A-4 and transferred into the
9 Hospital Provider Fund under Section 5A-6 to the designated
10 funds not exceeding the following amounts in that State
11 fiscal year:

12 Health Care Provider Relief Fund \$50,000,000

13 Transfers under this paragraph shall be made within 7
14 days after the payments have been received pursuant to the
15 schedule of payments provided in subsection (a) of Section
16 5A-4.

17 (7.11) For State fiscal year 2015, for making transfers
18 of the moneys resulting from the assessment under
19 subsection (b-5) of Section 5A-2 and received from hospital
20 providers under Section 5A-4 and transferred into the
21 Hospital Provider Fund under Section 5A-6 to the designated
22 funds not exceeding the following amounts in that State
23 fiscal year:

24 Health Care Provider Relief Fund \$25,000,000

25 Transfers under this paragraph shall be made within 7
26 days after the payments have been received pursuant to the

1 schedule of payments provided in subsection (a) of Section
2 5A-4.

3 (7.12) For State fiscal year 2013, for increasing by
4 21/365ths the transfer of the moneys resulting from the
5 assessment under subsection (b-5) of Section 5A-2 and
6 received from hospital providers under Section 5A-4 for the
7 portion of State fiscal year 2012 beginning June 10, 2012
8 through June 30, 2012 and transferred into the Hospital
9 Provider Fund under Section 5A-6 to the designated funds
10 not exceeding the following amounts in that State fiscal
11 year:

12 Health Care Provider Relief Fund \$2,870,000

13 (8) For making refunds to hospital providers pursuant
14 to Section 5A-10.

15 Disbursements from the Fund, other than transfers
16 authorized under paragraphs (5) and (6) of this subsection,
17 shall be by warrants drawn by the State Comptroller upon
18 receipt of vouchers duly executed and certified by the Illinois
19 Department.

20 (c) The Fund shall consist of the following:

21 (1) All moneys collected or received by the Illinois
22 Department from the hospital provider assessment imposed
23 by this Article.

24 (2) All federal matching funds received by the Illinois
25 Department as a result of expenditures made by the Illinois
26 Department that are attributable to moneys deposited in the

1 Fund.

2 (3) Any interest or penalty levied in conjunction with
3 the administration of this Article.

4 (4) Moneys transferred from another fund in the State
5 treasury.

6 (5) All other moneys received for the Fund from any
7 other source, including interest earned thereon.

8 (d) (Blank).

9 (Source: P.A. 97-688, eff. 6-14-12; 97-689, eff. 6-14-12;
10 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; revised 10-21-13.)

11 (305 ILCS 5/5A-12.4)

12 (Section scheduled to be repealed on January 1, 2015)

13 Sec. 5A-12.4. Hospital access improvement payments on or
14 after June 10, 2012.

15 (a) Hospital access improvement payments. To preserve and
16 improve access to hospital services, for hospital and physician
17 services rendered on or after June 10, 2012, the Illinois
18 Department shall, except for hospitals described in subsection
19 (b) of Section 5A-3, make payments to hospitals as set forth in
20 this Section. These payments shall be paid in 12 equal
21 installments on or before the 7th State business day of each
22 month, except that no payment shall be due within 100 days
23 after the later of the date of notification of federal approval
24 of the payment methodologies required under this Section or any
25 waiver required under 42 CFR 433.68, at which time the sum of

1 amounts required under this Section prior to the date of
2 notification is due and payable. Payments under this Section
3 are not due and payable, however, until (i) the methodologies
4 described in this Section are approved by the federal
5 government in an appropriate State Plan amendment and (ii) the
6 assessment imposed under subsection (b-5) of Section 5A-2 of
7 this Article is determined to be a permissible tax under Title
8 XIX of the Social Security Act. The Illinois Department shall
9 take all actions necessary to implement the payments under this
10 Section effective June 10, 2012, including but not limited to
11 providing public notice pursuant to federal requirements, the
12 filing of a State Plan amendment, and the adoption of
13 administrative rules. For State fiscal year 2013, payments
14 under this Section shall be increased by $21/365$ ths. The funding
15 source for these additional payments shall be from the
16 increased assessment under subsection (b-5) of Section 5A-2
17 that was received from hospital providers under Section 5A-4
18 for the portion of State fiscal year 2012 beginning June 10,
19 2012 through June 30, 2012.

20 (a-5) Accelerated schedule. The Illinois Department may,
21 when practicable, accelerate the schedule upon which payments
22 authorized under this Section are made.

23 (b) Magnet and perinatal hospital adjustment. In addition
24 to rates paid for inpatient hospital services, the Department
25 shall pay to each Illinois general acute care hospital that, as
26 of August 25, 2011, was recognized as a Magnet hospital by the

1 American Nurses Credentialing Center and that, as of September
2 14, 2011, was designated as a level III perinatal center
3 amounts as follows:

4 (1) For hospitals with a case mix index equal to or
5 greater than the 80th percentile of case mix indices for
6 all Illinois hospitals, \$470 for each Medicaid general
7 acute care inpatient day of care provided by the hospital
8 during State fiscal year 2009.

9 (2) For all other hospitals, \$170 for each Medicaid
10 general acute care inpatient day of care provided by the
11 hospital during State fiscal year 2009.

12 (c) Trauma level II adjustment. In addition to rates paid
13 for inpatient hospital services, the Department shall pay to
14 each Illinois general acute care hospital that, as of July 1,
15 2011, was designated as a level II trauma center amounts as
16 follows:

17 (1) For hospitals with a case mix index equal to or
18 greater than the 50th percentile of case mix indices for
19 all Illinois hospitals, \$470 for each Medicaid general
20 acute care inpatient day of care provided by the hospital
21 during State fiscal year 2009.

22 (2) For all other hospitals, \$170 for each Medicaid
23 general acute care inpatient day of care provided by the
24 hospital during State fiscal year 2009.

25 (3) For the purposes of this adjustment, hospitals
26 located in the same city that alternate their trauma center

1 designation as defined in 89 Ill. Adm. Code 148.295(a)(2)
2 shall have the adjustment provided under this Section
3 divided between the 2 hospitals.

4 (d) Dual-eligible adjustment. In addition to rates paid for
5 inpatient services, the Department shall pay each Illinois
6 general acute care hospital that had a ratio of crossover days
7 to total inpatient days for programs under Title XIX of the
8 Social Security Act administered by the Department (utilizing
9 information from 2009 paid claims) greater than 50%, and a case
10 mix index equal to or greater than the 75th percentile of case
11 mix indices for all Illinois hospitals, a rate of \$400 for each
12 Medicaid inpatient day during State fiscal year 2009 including
13 crossover days.

14 (e) Medicaid volume adjustment. In addition to rates paid
15 for inpatient hospital services, the Department shall pay to
16 each Illinois general acute care hospital that provided more
17 than 10,000 Medicaid inpatient days of care in State fiscal
18 year 2009, has a Medicaid inpatient utilization rate of at
19 least 29.05% as calculated by the Department for the Rate Year
20 2011 Disproportionate Share determination, and is not eligible
21 for Medicaid Percentage Adjustment payments in rate year 2011
22 an amount equal to \$135 for each Medicaid inpatient day of care
23 provided during State fiscal year 2009.

24 (f) Outpatient service adjustment. In addition to the rates
25 paid for outpatient hospital services, the Department shall pay
26 each Illinois hospital an amount at least equal to \$100

1 multiplied by the hospital's outpatient ambulatory procedure
2 listing services (excluding categories 3B and 3C) and by the
3 hospital's end stage renal disease treatment services provided
4 for State fiscal year 2009.

5 (g) Ambulatory service adjustment.

6 (1) In addition to the rates paid for outpatient
7 hospital services provided in the emergency department,
8 the Department shall pay each Illinois hospital an amount
9 equal to \$105 multiplied by the hospital's outpatient
10 ambulatory procedure listing services for categories 3A,
11 3B, and 3C for State fiscal year 2009.

12 (2) In addition to the rates paid for outpatient
13 hospital services, the Department shall pay each Illinois
14 freestanding psychiatric hospital an amount equal to \$200
15 multiplied by the hospital's ambulatory procedure listing
16 services for category 5A for State fiscal year 2009.

17 (h) Specialty hospital adjustment. In addition to the rates
18 paid for outpatient hospital services, the Department shall pay
19 each Illinois long term acute care hospital and each Illinois
20 hospital devoted exclusively to the treatment of cancer, an
21 amount equal to \$700 multiplied by the hospital's outpatient
22 ambulatory procedure listing services and by the hospital's end
23 stage renal disease treatment services (including services
24 provided to individuals eligible for both Medicaid and
25 Medicare) provided for State fiscal year 2009.

26 (h-1) ER Safety Net Payments. In addition to rates paid for

1 outpatient services, the Department shall pay to each Illinois
2 general acute care hospital with an emergency room ratio equal
3 to or greater than 55%, that is not eligible for Medicaid
4 percentage adjustments payments in rate year 2011, with a case
5 mix index equal to or greater than the 20th percentile, and
6 that is not designated as a trauma center by the Illinois
7 Department of Public Health on July 1, 2011, as follows:

8 (1) Each hospital with an emergency room ratio equal to
9 or greater than 74% shall receive a rate of \$225 for each
10 outpatient ambulatory procedure listing and end-stage
11 renal disease treatment service provided for State fiscal
12 year 2009.

13 (2) For all other hospitals, \$65 shall be paid for each
14 outpatient ambulatory procedure listing and end-stage
15 renal disease treatment service provided for State fiscal
16 year 2009.

17 (i) Physician supplemental adjustment. In addition to the
18 rates paid for physician services, the Department shall make an
19 adjustment payment for services provided by physicians as
20 follows:

21 (1) Physician services eligible for the adjustment
22 payment are those provided by physicians employed by or who
23 have a contract to provide services to patients of the
24 following hospitals: (i) Illinois general acute care
25 hospitals that provided at least 17,000 Medicaid inpatient
26 days of care in State fiscal year 2009 and are eligible for

1 Medicaid Percentage Adjustment Payments in rate year 2011;
2 and (ii) Illinois freestanding children's hospitals, as
3 defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

4 (2) The amount of the adjustment for each eligible
5 hospital under this subsection (i) shall be determined by
6 rule by the Department to spend a total pool of at least
7 \$6,960,000 annually. This pool shall be allocated among the
8 eligible hospitals based on the difference between the
9 upper payment limit for what could have been paid under
10 Medicaid for physician services provided during State
11 fiscal year 2009 by physicians employed by or who had a
12 contract with the hospital and the amount that was paid
13 under Medicaid for such services, provided however, that in
14 no event shall physicians at any individual hospital
15 collectively receive an annual, aggregate adjustment in
16 excess of \$435,000, except that any amount that is not
17 distributed to a hospital because of the upper payment
18 limit shall be reallocated among the remaining eligible
19 hospitals that are below the upper payment limitation, on a
20 proportionate basis.

21 (i-5) For any children's hospital which did not charge for
22 its services during the base period, the Department shall use
23 data supplied by the hospital to determine payments using
24 similar methodologies for freestanding children's hospitals
25 under this Section or Section 5A-12.2.

26 (j) For purposes of this Section, a hospital that is

1 enrolled to provide Medicaid services during State fiscal year
2 2009 shall have its utilization and associated reimbursements
3 annualized prior to the payment calculations being performed
4 under this Section.

5 (k) For purposes of this Section, the terms "Medicaid
6 days", "ambulatory procedure listing services", and
7 "ambulatory procedure listing payments" do not include any
8 days, charges, or services for which Medicare or a managed care
9 organization reimbursed on a capitated basis was liable for
10 payment, except where explicitly stated otherwise in this
11 Section.

12 (l) Definitions. Unless the context requires otherwise or
13 unless provided otherwise in this Section, the terms used in
14 this Section for qualifying criteria and payment calculations
15 shall have the same meanings as those terms have been given in
16 the Illinois Department's administrative rules as in effect on
17 October 1, 2011. Other terms shall be defined by the Illinois
18 Department by rule.

19 As used in this Section, unless the context requires
20 otherwise:

21 "Case mix index" means, for a given hospital, the sum of
22 the per admission (DRG) relative weighting factors in effect on
23 January 1, 2005, for all general acute care admissions for
24 State fiscal year 2009, excluding Medicare crossover
25 admissions and transplant admissions reimbursed under 89 Ill.
26 Adm. Code 148.82, divided by the total number of general acute

1 care admissions for State fiscal year 2009, excluding Medicare
2 crossover admissions and transplant admissions reimbursed
3 under 89 Ill. Adm. Code 148.82.

4 "Emergency room ratio" means, for a given hospital, a
5 fraction, the denominator of which is the number of the
6 hospital's outpatient ambulatory procedure listing and
7 end-stage renal disease treatment services provided for State
8 fiscal year 2009 and the numerator of which is the hospital's
9 outpatient ambulatory procedure listing services for
10 categories 3A, 3B, and 3C for State fiscal year 2009.

11 "Medicaid inpatient day" means, for a given hospital, the
12 sum of days of inpatient hospital days provided to recipients
13 of medical assistance under Title XIX of the federal Social
14 Security Act, excluding days for individuals eligible for
15 Medicare under Title XVIII of that Act (Medicaid/Medicare
16 crossover days), as tabulated from the Department's paid claims
17 data for admissions occurring during State fiscal year 2009
18 that was adjudicated by the Department through June 30, 2010.

19 "Outpatient ambulatory procedure listing services" means,
20 for a given hospital, ambulatory procedure listing services, as
21 described in 89 Ill. Adm. Code 148.140(b), provided to
22 recipients of medical assistance under Title XIX of the federal
23 Social Security Act, excluding services for individuals
24 eligible for Medicare under Title XVIII of the Act
25 (Medicaid/Medicare crossover days), as tabulated from the
26 Department's paid claims data for services occurring in State

1 fiscal year 2009 that were adjudicated by the Department
2 through September 2, 2010.

3 "Outpatient end-stage renal disease treatment services"
4 means, for a given hospital, the services, as described in 89
5 Ill. Adm. Code 148.140(c), provided to recipients of medical
6 assistance under Title XIX of the federal Social Security Act,
7 excluding payments for individuals eligible for Medicare under
8 Title XVIII of the Act (Medicaid/Medicare crossover days), as
9 tabulated from the Department's paid claims data for services
10 occurring in State fiscal year 2009 that were adjudicated by
11 the Department through September 2, 2010.

12 (m) The Department may adjust payments made under this
13 Section 5A-12.4 to comply with federal law or regulations
14 regarding hospital-specific payment limitations on
15 government-owned or government-operated hospitals.

16 (n) Notwithstanding any of the other provisions of this
17 Section, the Department is authorized to adopt rules that
18 change the hospital access improvement payments specified in
19 this Section, but only to the extent necessary to conform to
20 any federally approved amendment to the Title XIX State plan.
21 Any such rules shall be adopted by the Department as authorized
22 by Section 5-50 of the Illinois Administrative Procedure Act.
23 Notwithstanding any other provision of law, any changes
24 implemented as a result of this subsection (n) shall be given
25 retroactive effect so that they shall be deemed to have taken
26 effect as of the effective date of this Section.

1 (o) The Department of Healthcare and Family Services must
2 submit a State Medicaid Plan Amendment to the Centers for
3 Medicare and Medicaid Services to implement the payments under
4 this Section ~~June 14, 2012 (Public Act 97-688)~~.

5 (Source: P.A. 97-688, eff. 6-14-12; 98-104, eff. 7-22-13;
6 98-463, eff. 8-16-13; revised 10-21-13.)

7 (305 ILCS 5/11-5.2)

8 Sec. 11-5.2. Income, Residency, and Identity Verification
9 System.

10 (a) The Department shall ensure that its proposed
11 integrated eligibility system shall include the computerized
12 functions of income, residency, and identity eligibility
13 verification to verify eligibility, eliminate duplication of
14 medical assistance, and deter fraud. Until the integrated
15 eligibility system is operational, the Department may enter
16 into a contract with the vendor selected pursuant to Section
17 11-5.3 as necessary to obtain the electronic data matching
18 described in this Section. This contract shall be exempt from
19 the Illinois Procurement Code pursuant to subsection (h) of
20 Section 1-10 of that Code.

21 (b) Prior to awarding medical assistance at application
22 under Article V of this Code, the Department shall, to the
23 extent such databases are available to the Department, conduct
24 data matches using the name, date of birth, address, and Social
25 Security Number of each applicant or recipient or responsible

1 relative of an applicant or recipient against the following:

2 (1) Income tax information.

3 (2) Employer reports of income and unemployment
4 insurance payment information maintained by the Department
5 of Employment Security.

6 (3) Earned and unearned income, citizenship and death,
7 and other relevant information maintained by the Social
8 Security Administration.

9 (4) Immigration status information maintained by the
10 United States Citizenship and Immigration Services.

11 (5) Wage reporting and similar information maintained
12 by states contiguous to this State.

13 (6) Employment information maintained by the
14 Department of Employment Security in its New Hire Directory
15 database.

16 (7) Employment information maintained by the United
17 States Department of Health and Human Services in its
18 National Directory of New Hires database.

19 (8) Veterans' benefits information maintained by the
20 United States Department of Health and Human Services, in
21 coordination with the Department of Health and Human
22 Services and the Department of Veterans' Affairs, in the
23 federal Public Assistance Reporting Information System
24 (PARIS) database.

25 (9) Residency information maintained by the Illinois
26 Secretary of State.

1 (10) A database which is substantially similar to or a
2 successor of a database described in this Section that
3 contains information relevant for verifying eligibility
4 for medical assistance.

5 (c) (Blank).

6 (d) If a discrepancy results between information provided
7 by an applicant, recipient, or responsible relative and
8 information contained in one or more of the databases or
9 information tools listed under subsection (b) ~~or (e)~~ of this
10 Section or subsection (c) of Section 11-5.3 and that
11 discrepancy calls into question the accuracy of information
12 relevant to a condition of eligibility provided by the
13 applicant, recipient, or responsible relative, the Department
14 or its contractor shall review the applicant's or recipient's
15 case using the following procedures:

16 (1) If the information discovered under subsection (b)
17 ~~(e)~~ of this Section or subsection (c) of Section 11-5.3
18 does not result in the Department finding the applicant or
19 recipient ineligible for assistance under Article V of this
20 Code, the Department shall finalize the determination or
21 redetermination of eligibility.

22 (2) If the information discovered results in the
23 Department finding the applicant or recipient ineligible
24 for assistance, the Department shall provide notice as set
25 forth in Section 11-7 of this Article.

26 (3) If the information discovered is insufficient to

1 determine that the applicant or recipient is eligible or
2 ineligible, the Department shall provide written notice to
3 the applicant or recipient which shall describe in
4 sufficient detail the circumstances of the discrepancy,
5 the information or documentation required, the manner in
6 which the applicant or recipient may respond, and the
7 consequences of failing to take action. The applicant or
8 recipient shall have 10 business days to respond.

9 (4) If the applicant or recipient does not respond to
10 the notice, the Department shall deny assistance for
11 failure to cooperate, in which case the Department shall
12 provide notice as set forth in Section 11-7. Eligibility
13 for assistance shall not be established until the
14 discrepancy has been resolved.

15 (5) If an applicant or recipient responds to the
16 notice, the Department shall determine the effect of the
17 information or documentation provided on the applicant's
18 or recipient's case and shall take appropriate action.
19 Written notice of the Department's action shall be provided
20 as set forth in Section 11-7 of this Article.

21 (6) Suspected cases of fraud shall be referred to the
22 Department's Inspector General.

23 (e) The Department shall adopt any rules necessary to
24 implement this Section.

25 (Source: P.A. 97-689, eff. 6-14-12; revised 11-12-13.)

1 (305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

2 Sec. 12-4.25. Medical assistance program; vendor
3 participation.

4 (A) The Illinois Department may deny, suspend, or terminate
5 the eligibility of any person, firm, corporation, association,
6 agency, institution or other legal entity to participate as a
7 vendor of goods or services to recipients under the medical
8 assistance program under Article V, or may exclude any such
9 person or entity from participation as such a vendor, and may
10 deny, suspend, or recover payments, if after reasonable notice
11 and opportunity for a hearing the Illinois Department finds:

12 (a) Such vendor is not complying with the Department's
13 policy or rules and regulations, or with the terms and
14 conditions prescribed by the Illinois Department in its
15 vendor agreement, which document shall be developed by the
16 Department as a result of negotiations with each vendor
17 category, including physicians, hospitals, long term care
18 facilities, pharmacists, optometrists, podiatric
19 physicians, and dentists setting forth the terms and
20 conditions applicable to the participation of each vendor
21 group in the program; or

22 (b) Such vendor has failed to keep or make available
23 for inspection, audit or copying, after receiving a written
24 request from the Illinois Department, such records
25 regarding payments claimed for providing services. This
26 section does not require vendors to make available patient

1 records of patients for whom services are not reimbursed
2 under this Code; or

3 (c) Such vendor has failed to furnish any information
4 requested by the Department regarding payments for
5 providing goods or services; or

6 (d) Such vendor has knowingly made, or caused to be
7 made, any false statement or representation of a material
8 fact in connection with the administration of the medical
9 assistance program; or

10 (e) Such vendor has furnished goods or services to a
11 recipient which are (1) in excess of need, (2) harmful, or
12 (3) of grossly inferior quality, all of such determinations
13 to be based upon competent medical judgment and
14 evaluations; or

15 (f) The vendor; a person with management
16 responsibility for a vendor; an officer or person owning,
17 either directly or indirectly, 5% or more of the shares of
18 stock or other evidences of ownership in a corporate
19 vendor; an owner of a sole proprietorship which is a
20 vendor; or a partner in a partnership which is a vendor,
21 either:

22 (1) was previously terminated, suspended, or
23 excluded from participation in the Illinois medical
24 assistance program, or was terminated, suspended, or
25 excluded from participation in another state or
26 federal medical assistance or health care program; or

1 (2) was a person with management responsibility
2 for a vendor previously terminated, suspended, or
3 excluded from participation in the Illinois medical
4 assistance program, or terminated, suspended, or
5 excluded from participation in another state or
6 federal medical assistance or health care program
7 during the time of conduct which was the basis for that
8 vendor's termination, suspension, or exclusion; or

9 (3) was an officer, or person owning, either
10 directly or indirectly, 5% or more of the shares of
11 stock or other evidences of ownership in a corporate or
12 limited liability company vendor previously
13 terminated, suspended, or excluded from participation
14 in the Illinois medical assistance program, or
15 terminated, suspended, or excluded from participation
16 in a state or federal medical assistance or health care
17 program during the time of conduct which was the basis
18 for that vendor's termination, suspension, or
19 exclusion; or

20 (4) was an owner of a sole proprietorship or
21 partner of a partnership previously terminated,
22 suspended, or excluded from participation in the
23 Illinois medical assistance program, or terminated,
24 suspended, or excluded from participation in a state or
25 federal medical assistance or health care program
26 during the time of conduct which was the basis for that

1 vendor's termination, suspension, or exclusion; or

2 (f-1) Such vendor has a delinquent debt owed to the
3 Illinois Department; or

4 (g) The vendor; a person with management
5 responsibility for a vendor; an officer or person owning,
6 either directly or indirectly, 5% or more of the shares of
7 stock or other evidences of ownership in a corporate or
8 limited liability company vendor; an owner of a sole
9 proprietorship which is a vendor; or a partner in a
10 partnership which is a vendor, either:

11 (1) has engaged in practices prohibited by
12 applicable federal or State law or regulation; or

13 (2) was a person with management responsibility
14 for a vendor at the time that such vendor engaged in
15 practices prohibited by applicable federal or State
16 law or regulation; or

17 (3) was an officer, or person owning, either
18 directly or indirectly, 5% or more of the shares of
19 stock or other evidences of ownership in a vendor at
20 the time such vendor engaged in practices prohibited by
21 applicable federal or State law or regulation; or

22 (4) was an owner of a sole proprietorship or
23 partner of a partnership which was a vendor at the time
24 such vendor engaged in practices prohibited by
25 applicable federal or State law or regulation; or

26 (h) The direct or indirect ownership of the vendor

1 (including the ownership of a vendor that is a sole
2 proprietorship, a partner's interest in a vendor that is a
3 partnership, or ownership of 5% or more of the shares of
4 stock or other evidences of ownership in a corporate
5 vendor) has been transferred by an individual who is
6 terminated, suspended, or excluded or barred from
7 participating as a vendor to the individual's spouse,
8 child, brother, sister, parent, grandparent, grandchild,
9 uncle, aunt, niece, nephew, cousin, or relative by
10 marriage.

11 (A-5) The Illinois Department may deny, suspend, or
12 terminate the eligibility of any person, firm, corporation,
13 association, agency, institution, or other legal entity to
14 participate as a vendor of goods or services to recipients
15 under the medical assistance program under Article V, or may
16 exclude any such person or entity from participation as such a
17 vendor, if, after reasonable notice and opportunity for a
18 hearing, the Illinois Department finds that the vendor; a
19 person with management responsibility for a vendor; an officer
20 or person owning, either directly or indirectly, 5% or more of
21 the shares of stock or other evidences of ownership in a
22 corporate vendor; an owner of a sole proprietorship that is a
23 vendor; or a partner in a partnership that is a vendor has been
24 convicted of an offense based on fraud or willful
25 misrepresentation related to any of the following:

26 (1) The medical assistance program under Article V of

1 this Code.

2 (2) A medical assistance or health care program in
3 another state.

4 (3) The Medicare program under Title XVIII of the
5 Social Security Act.

6 (4) The provision of health care services.

7 (5) A violation of this Code, as provided in Article
8 VIII A, or another state or federal medical assistance
9 program or health care program.

10 (A-10) The Illinois Department may deny, suspend, or
11 terminate the eligibility of any person, firm, corporation,
12 association, agency, institution, or other legal entity to
13 participate as a vendor of goods or services to recipients
14 under the medical assistance program under Article V, or may
15 exclude any such person or entity from participation as such a
16 vendor, if, after reasonable notice and opportunity for a
17 hearing, the Illinois Department finds that (i) the vendor,
18 (ii) a person with management responsibility for a vendor,
19 (iii) an officer or person owning, either directly or
20 indirectly, 5% or more of the shares of stock or other
21 evidences of ownership in a corporate vendor, (iv) an owner of
22 a sole proprietorship that is a vendor, or (v) a partner in a
23 partnership that is a vendor has been convicted of an offense
24 related to any of the following:

25 (1) Murder.

26 (2) A Class X felony under the Criminal Code of 1961 or

1 the Criminal Code of 2012.

2 (3) Sexual misconduct that may subject recipients to an
3 undue risk of harm.

4 (4) A criminal offense that may subject recipients to
5 an undue risk of harm.

6 (5) A crime of fraud or dishonesty.

7 (6) A crime involving a controlled substance.

8 (7) A misdemeanor relating to fraud, theft,
9 embezzlement, breach of fiduciary responsibility, or other
10 financial misconduct related to a health care program.

11 (A-15) The Illinois Department may deny the eligibility of
12 any person, firm, corporation, association, agency,
13 institution, or other legal entity to participate as a vendor
14 of goods or services to recipients under the medical assistance
15 program under Article V if, after reasonable notice and
16 opportunity for a hearing, the Illinois Department finds:

17 (1) The applicant or any person with management
18 responsibility for the applicant; an officer or member of
19 the board of directors of an applicant; an entity owning
20 (directly or indirectly) 5% or more of the shares of stock
21 or other evidences of ownership in a corporate vendor
22 applicant; an owner of a sole proprietorship applicant; a
23 partner in a partnership applicant; or a technical or other
24 advisor to an applicant has a debt owed to the Illinois
25 Department, and no payment arrangements acceptable to the
26 Illinois Department have been made by the applicant.

1 (2) The applicant or any person with management
2 responsibility for the applicant; an officer or member of
3 the board of directors of an applicant; an entity owning
4 (directly or indirectly) 5% or more of the shares of stock
5 or other evidences of ownership in a corporate vendor
6 applicant; an owner of a sole proprietorship applicant; a
7 partner in a partnership vendor applicant; or a technical
8 or other advisor to an applicant was (i) a person with
9 management responsibility, (ii) an officer or member of the
10 board of directors of an applicant, (iii) an entity owning
11 (directly or indirectly) 5% or more of the shares of stock
12 or other evidences of ownership in a corporate vendor, (iv)
13 an owner of a sole proprietorship, (v) a partner in a
14 partnership vendor, (vi) a technical or other advisor to a
15 vendor, during a period of time where the conduct of that
16 vendor resulted in a debt owed to the Illinois Department,
17 and no payment arrangements acceptable to the Illinois
18 Department have been made by that vendor.

19 (3) There is a credible allegation of the use,
20 transfer, or lease of assets of any kind to an applicant
21 from a current or prior vendor who has a debt owed to the
22 Illinois Department, no payment arrangements acceptable to
23 the Illinois Department have been made by that vendor or
24 the vendor's alternate payee, and the applicant knows or
25 should have known of such debt.

26 (4) There is a credible allegation of a transfer of

1 management responsibilities, or direct or indirect
2 ownership, to an applicant from a current or prior vendor
3 who has a debt owed to the Illinois Department, and no
4 payment arrangements acceptable to the Illinois Department
5 have been made by that vendor or the vendor's alternate
6 payee, and the applicant knows or should have known of such
7 debt.

8 (5) There is a credible allegation of the use,
9 transfer, or lease of assets of any kind to an applicant
10 who is a spouse, child, brother, sister, parent,
11 grandparent, grandchild, uncle, aunt, niece, relative by
12 marriage, nephew, cousin, or relative of a current or prior
13 vendor who has a debt owed to the Illinois Department and
14 no payment arrangements acceptable to the Illinois
15 Department have been made.

16 (6) There is a credible allegation that the applicant's
17 previous affiliations with a provider of medical services
18 that has an uncollected debt, a provider that has been or
19 is subject to a payment suspension under a federal health
20 care program, or a provider that has been previously
21 excluded from participation in the medical assistance
22 program, poses a risk of fraud, waste, or abuse to the
23 Illinois Department.

24 As used in this subsection, "credible allegation" is
25 defined to include an allegation from any source, including,
26 but not limited to, fraud hotline complaints, claims data

1 mining, patterns identified through provider audits, civil
2 actions filed under the Illinois False Claims Act, and law
3 enforcement investigations. An allegation is considered to be
4 credible when it has indicia of reliability.

5 (B) The Illinois Department shall deny, suspend or
6 terminate the eligibility of any person, firm, corporation,
7 association, agency, institution or other legal entity to
8 participate as a vendor of goods or services to recipients
9 under the medical assistance program under Article V, or may
10 exclude any such person or entity from participation as such a
11 vendor:

12 (1) immediately, if such vendor is not properly
13 licensed, certified, or authorized;

14 (2) within 30 days of the date when such vendor's
15 professional license, certification or other authorization
16 has been refused renewal, restricted, revoked, suspended,
17 or otherwise terminated; or

18 (3) if such vendor has been convicted of a violation of
19 this Code, as provided in Article VIII A.

20 (C) Upon termination, suspension, or exclusion of a vendor
21 of goods or services from participation in the medical
22 assistance program authorized by this Article, a person with
23 management responsibility for such vendor during the time of
24 any conduct which served as the basis for that vendor's
25 termination, suspension, or exclusion is barred from
26 participation in the medical assistance program.

1 Upon termination, suspension, or exclusion of a corporate
2 vendor, the officers and persons owning, directly or
3 indirectly, 5% or more of the shares of stock or other
4 evidences of ownership in the vendor during the time of any
5 conduct which served as the basis for that vendor's
6 termination, suspension, or exclusion are barred from
7 participation in the medical assistance program. A person who
8 owns, directly or indirectly, 5% or more of the shares of stock
9 or other evidences of ownership in a terminated, suspended, or
10 excluded vendor may not transfer his or her ownership interest
11 in that vendor to his or her spouse, child, brother, sister,
12 parent, grandparent, grandchild, uncle, aunt, niece, nephew,
13 cousin, or relative by marriage.

14 Upon termination, suspension, or exclusion of a sole
15 proprietorship or partnership, the owner or partners during the
16 time of any conduct which served as the basis for that vendor's
17 termination, suspension, or exclusion are barred from
18 participation in the medical assistance program. The owner of a
19 terminated, suspended, or excluded vendor that is a sole
20 proprietorship, and a partner in a terminated, suspended, or
21 excluded vendor that is a partnership, may not transfer his or
22 her ownership or partnership interest in that vendor to his or
23 her spouse, child, brother, sister, parent, grandparent,
24 grandchild, uncle, aunt, niece, nephew, cousin, or relative by
25 marriage.

26 A person who owns, directly or indirectly, 5% or more of

1 the shares of stock or other evidences of ownership in a
2 corporate or limited liability company vendor who owes a debt
3 to the Department, if that vendor has not made payment
4 arrangements acceptable to the Department, shall not transfer
5 his or her ownership interest in that vendor, or vendor assets
6 of any kind, to his or her spouse, child, brother, sister,
7 parent, grandparent, grandchild, uncle, aunt, niece, nephew,
8 cousin, or relative by marriage.

9 Rules adopted by the Illinois Department to implement these
10 provisions shall specifically include a definition of the term
11 "management responsibility" as used in this Section. Such
12 definition shall include, but not be limited to, typical job
13 titles, and duties and descriptions which will be considered as
14 within the definition of individuals with management
15 responsibility for a provider.

16 A vendor or a prior vendor who has been terminated,
17 excluded, or suspended from the medical assistance program, or
18 from another state or federal medical assistance or health care
19 program, and any individual currently or previously barred from
20 the medical assistance program, or from another state or
21 federal medical assistance or health care program, as a result
22 of being an officer or a person owning, directly or indirectly,
23 5% or more of the shares of stock or other evidences of
24 ownership in a corporate or limited liability company vendor
25 during the time of any conduct which served as the basis for
26 that vendor's termination, suspension, or exclusion, may be

1 required to post a surety bond as part of a condition of
2 enrollment or participation in the medical assistance program.
3 The Illinois Department shall establish, by rule, the criteria
4 and requirements for determining when a surety bond must be
5 posted and the value of the bond.

6 A vendor or a prior vendor who has a debt owed to the
7 Illinois Department and any individual currently or previously
8 barred from the medical assistance program, or from another
9 state or federal medical assistance or health care program, as
10 a result of being an officer or a person owning, directly or
11 indirectly, 5% or more of the shares of stock or other
12 evidences of ownership in that corporate or limited liability
13 company vendor during the time of any conduct which served as
14 the basis for the debt, may be required to post a surety bond
15 as part of a condition of enrollment or participation in the
16 medical assistance program. The Illinois Department shall
17 establish, by rule, the criteria and requirements for
18 determining when a surety bond must be posted and the value of
19 the bond.

20 (D) If a vendor has been suspended from the medical
21 assistance program under Article V of the Code, the Director
22 may require that such vendor correct any deficiencies which
23 served as the basis for the suspension. The Director shall
24 specify in the suspension order a specific period of time,
25 which shall not exceed one year from the date of the order,
26 during which a suspended vendor shall not be eligible to

1 participate. At the conclusion of the period of suspension the
2 Director shall reinstate such vendor, unless he finds that such
3 vendor has not corrected deficiencies upon which the suspension
4 was based.

5 If a vendor has been terminated, suspended, or excluded
6 from the medical assistance program under Article V, such
7 vendor shall be barred from participation for at least one
8 year, except that if a vendor has been terminated, suspended,
9 or excluded based on a conviction of a violation of Article
10 VIII A or a conviction of a felony based on fraud or a willful
11 misrepresentation related to (i) the medical assistance
12 program under Article V, (ii) a federal or another state's
13 medical assistance or health care program, or (iii) the
14 provision of health care services, then the vendor shall be
15 barred from participation for 5 years or for the length of the
16 vendor's sentence for that conviction, whichever is longer. At
17 the end of one year a vendor who has been terminated,
18 suspended, or excluded may apply for reinstatement to the
19 program. Upon proper application to be reinstated such vendor
20 may be deemed eligible by the Director providing that such
21 vendor meets the requirements for eligibility under this Code.
22 If such vendor is deemed not eligible for reinstatement, he
23 shall be barred from again applying for reinstatement for one
24 year from the date his application for reinstatement is denied.

25 A vendor whose termination, suspension, or exclusion from
26 participation in the Illinois medical assistance program under

1 Article V was based solely on an action by a governmental
2 entity other than the Illinois Department may, upon
3 reinstatement by that governmental entity or upon reversal of
4 the termination, suspension, or exclusion, apply for
5 rescission of the termination, suspension, or exclusion from
6 participation in the Illinois medical assistance program. Upon
7 proper application for rescission, the vendor may be deemed
8 eligible by the Director if the vendor meets the requirements
9 for eligibility under this Code.

10 If a vendor has been terminated, suspended, or excluded and
11 reinstated to the medical assistance program under Article V
12 and the vendor is terminated, suspended, or excluded a second
13 or subsequent time from the medical assistance program, the
14 vendor shall be barred from participation for at least 2 years,
15 except that if a vendor has been terminated, suspended, or
16 excluded a second time based on a conviction of a violation of
17 Article VIII A or a conviction of a felony based on fraud or a
18 willful misrepresentation related to (i) the medical
19 assistance program under Article V, (ii) a federal or another
20 state's medical assistance or health care program, or (iii) the
21 provision of health care services, then the vendor shall be
22 barred from participation for life. At the end of 2 years, a
23 vendor who has been terminated, suspended, or excluded may
24 apply for reinstatement to the program. Upon application to be
25 reinstated, the vendor may be deemed eligible if the vendor
26 meets the requirements for eligibility under this Code. If the

1 vendor is deemed not eligible for reinstatement, the vendor
2 shall be barred from again applying for reinstatement for 2
3 years from the date the vendor's application for reinstatement
4 is denied.

5 (E) The Illinois Department may recover money improperly or
6 erroneously paid, or overpayments, either by setoff, crediting
7 against future billings or by requiring direct repayment to the
8 Illinois Department. The Illinois Department may suspend or
9 deny payment, in whole or in part, if such payment would be
10 improper or erroneous or would otherwise result in overpayment.

11 (1) Payments may be suspended, denied, or recovered
12 from a vendor or alternate payee: (i) for services rendered
13 in violation of the Illinois Department's provider
14 notices, statutes, rules, and regulations; (ii) for
15 services rendered in violation of the terms and conditions
16 prescribed by the Illinois Department in its vendor
17 agreement; (iii) for any vendor who fails to grant the
18 Office of Inspector General timely access to full and
19 complete records, including, but not limited to, records
20 relating to recipients under the medical assistance
21 program for the most recent 6 years, in accordance with
22 Section 140.28 of Title 89 of the Illinois Administrative
23 Code, and other information for the purpose of audits,
24 investigations, or other program integrity functions,
25 after reasonable written request by the Inspector General;
26 this subsection (E) does not require vendors to make

1 available the medical records of patients for whom services
2 are not reimbursed under this Code or to provide access to
3 medical records more than 6 years old; (iv) when the vendor
4 has knowingly made, or caused to be made, any false
5 statement or representation of a material fact in
6 connection with the administration of the medical
7 assistance program; or (v) when the vendor previously
8 rendered services while terminated, suspended, or excluded
9 from participation in the medical assistance program or
10 while terminated or excluded from participation in another
11 state or federal medical assistance or health care program.

12 (2) Notwithstanding any other provision of law, if a
13 vendor has the same taxpayer identification number
14 (assigned under Section 6109 of the Internal Revenue Code
15 of 1986) as is assigned to a vendor with past-due financial
16 obligations to the Illinois Department, the Illinois
17 Department may make any necessary adjustments to payments
18 to that vendor in order to satisfy any past-due
19 obligations, regardless of whether the vendor is assigned a
20 different billing number under the medical assistance
21 program.

22 (E-5) Civil monetary penalties.

23 (1) As used in this subsection (E-5):

24 (a) "Knowingly" means that a person, with respect
25 to information: (i) has actual knowledge of the
26 information; (ii) acts in deliberate ignorance of the

1 truth or falsity of the information; or (iii) acts in
2 reckless disregard of the truth or falsity of the
3 information. No proof of specific intent to defraud is
4 required.

5 (b) "Overpayment" means any funds that a person
6 receives or retains from the medical assistance
7 program to which the person, after applicable
8 reconciliation, is not entitled under this Code.

9 (c) "Remuneration" means the offer or transfer of
10 items or services for free or for other than fair
11 market value by a person; however, remuneration does
12 not include items or services of a nominal value of no
13 more than \$10 per item or service, or \$50 in the
14 aggregate on an annual basis, or any other offer or
15 transfer of items or services as determined by the
16 Department.

17 (d) "Should know" means that a person, with respect
18 to information: (i) acts in deliberate ignorance of the
19 truth or falsity of the information; or (ii) acts in
20 reckless disregard of the truth or falsity of the
21 information. No proof of specific intent to defraud is
22 required.

23 (2) Any person (including a vendor, provider,
24 organization, agency, or other entity, or an alternate
25 payee thereof, but excluding a recipient) who:

26 (a) knowingly presents or causes to be presented to

1 an officer, employee, or agent of the State, a claim
2 that the Department determines:

3 (i) is for a medical or other item or service
4 that the person knows or should know was not
5 provided as claimed, including any person who
6 engages in a pattern or practice of presenting or
7 causing to be presented a claim for an item or
8 service that is based on a code that the person
9 knows or should know will result in a greater
10 payment to the person than the code the person
11 knows or should know is applicable to the item or
12 service actually provided;

13 (ii) is for a medical or other item or service
14 and the person knows or should know that the claim
15 is false or fraudulent;

16 (iii) is presented for a vendor physician's
17 service, or an item or service incident to a vendor
18 physician's service, by a person who knows or
19 should know that the individual who furnished, or
20 supervised the furnishing of, the service:

21 (AA) was not licensed as a physician;

22 (BB) was licensed as a physician but such
23 license had been obtained through a
24 misrepresentation of material fact (including
25 cheating on an examination required for
26 licensing); or

1 (CC) represented to the patient at the
2 time the service was furnished that the
3 physician was certified in a medical specialty
4 by a medical specialty board, when the
5 individual was not so certified;

6 (iv) is for a medical or other item or service
7 furnished during a period in which the person was
8 excluded from the medical assistance program or a
9 federal or state health care program under which
10 the claim was made pursuant to applicable law; or

11 (v) is for a pattern of medical or other items
12 or services that a person knows or should know are
13 not medically necessary;

14 (b) knowingly presents or causes to be presented to
15 any person a request for payment which is in violation
16 of the conditions for receipt of vendor payments under
17 the medical assistance program under Section 11-13 of
18 this Code;

19 (c) knowingly gives or causes to be given to any
20 person, with respect to medical assistance program
21 coverage of inpatient hospital services, information
22 that he or she knows or should know is false or
23 misleading, and that could reasonably be expected to
24 influence the decision when to discharge such person or
25 other individual from the hospital;

26 (d) in the case of a person who is not an

1 organization, agency, or other entity, is excluded
2 from participating in the medical assistance program
3 or a federal or state health care program and who, at
4 the time of a violation of this subsection (E-5):

5 (i) retains a direct or indirect ownership or
6 control interest in an entity that is
7 participating in the medical assistance program or
8 a federal or state health care program, and who
9 knows or should know of the action constituting the
10 basis for the exclusion; or

11 (ii) is an officer or managing employee of such
12 an entity;

13 (e) offers or transfers remuneration to any
14 individual eligible for benefits under the medical
15 assistance program that such person knows or should
16 know is likely to influence such individual to order or
17 receive from a particular vendor, provider,
18 practitioner, or supplier any item or service for which
19 payment may be made, in whole or in part, under the
20 medical assistance program;

21 (f) arranges or contracts (by employment or
22 otherwise) with an individual or entity that the person
23 knows or should know is excluded from participation in
24 the medical assistance program or a federal or state
25 health care program, for the provision of items or
26 services for which payment may be made under such a

1 program;

2 (g) commits an act described in subsection (b) or
3 (c) of Section 8A-3;

4 (h) knowingly makes, uses, or causes to be made or
5 used, a false record or statement material to a false
6 or fraudulent claim for payment for items and services
7 furnished under the medical assistance program;

8 (i) fails to grant timely access, upon reasonable
9 request (as defined by the Department by rule), to the
10 Inspector General, for the purpose of audits,
11 investigations, evaluations, or other statutory
12 functions of the Inspector General of the Department;

13 (j) orders or prescribes a medical or other item or
14 service during a period in which the person was
15 excluded from the medical assistance program or a
16 federal or state health care program, in the case where
17 the person knows or should know that a claim for such
18 medical or other item or service will be made under
19 such a program;

20 (k) knowingly makes or causes to be made any false
21 statement, omission, or misrepresentation of a
22 material fact in any application, bid, or contract to
23 participate or enroll as a vendor or provider of
24 services or a supplier under the medical assistance
25 program;

26 (l) knows of an overpayment and does not report and

1 return the overpayment to the Department in accordance
2 with paragraph (6);
3 shall be subject, in addition to any other penalties that
4 may be prescribed by law, to a civil money penalty of not
5 more than \$10,000 for each item or service (or, in cases
6 under subparagraph (c), \$15,000 for each individual with
7 respect to whom false or misleading information was given;
8 in cases under subparagraph (d), \$10,000 for each day the
9 prohibited relationship occurs; in cases under
10 subparagraph (g), \$50,000 for each such act; in cases under
11 subparagraph (h), \$50,000 for each false record or
12 statement; in cases under subparagraph (i), \$15,000 for
13 each day of the failure described in such subparagraph; or
14 in cases under subparagraph (k), \$50,000 for each false
15 statement, omission, or misrepresentation of a material
16 fact). In addition, such a person shall be subject to an
17 assessment of not more than 3 times the amount claimed for
18 each such item or service in lieu of damages sustained by
19 the State because of such claim (or, in cases under
20 subparagraph (g), damages of not more than 3 times the
21 total amount of remuneration offered, paid, solicited, or
22 received, without regard to whether a portion of such
23 remuneration was offered, paid, solicited, or received for
24 a lawful purpose; or in cases under subparagraph (k), an
25 assessment of not more than 3 times the total amount
26 claimed for each item or service for which payment was made

1 based upon the application, bid, or contract containing the
2 false statement, omission, or misrepresentation of a
3 material fact).

4 (3) In addition, the Director or his or her designee
5 may make a determination in the same proceeding to exclude,
6 terminate, suspend, or bar the person from participation in
7 the medical assistance program.

8 (4) The Illinois Department may seek the civil monetary
9 penalties and exclusion, termination, suspension, or
10 barment identified in this subsection (E-5). Prior to the
11 imposition of any penalties or sanctions, the affected
12 person shall be afforded an opportunity for a hearing after
13 reasonable notice. The Department shall establish hearing
14 procedures by rule.

15 (5) Any final order, decision, or other determination
16 made, issued, or executed by the Director under the
17 provisions of this subsection (E-5), whereby a person is
18 aggrieved, shall be subject to review in accordance with
19 the provisions of the Administrative Review Law, and the
20 rules adopted pursuant thereto, which shall apply to and
21 govern all proceedings for the judicial review of final
22 administrative decisions of the Director.

23 (6) (a) If a person has received an overpayment, the
24 person shall:

25 (i) report and return the overpayment to the
26 Department at the correct address; and

1 (ii) notify the Department in writing of the reason
2 for the overpayment.

3 (b) An overpayment must be reported and returned under
4 subparagraph (a) by the later of:

5 (i) the date which is 60 days after the date on
6 which the overpayment was identified; or

7 (ii) the date any corresponding cost report is due,
8 if applicable.

9 (E-10) A vendor who disputes an overpayment identified as
10 part of a Department audit shall utilize the Department's
11 self-referral disclosure protocol as set forth under this Code
12 to identify, investigate, and return to the Department any
13 undisputed audit overpayment amount. Unless the disputed
14 overpayment amount is subject to a fraud payment suspension, or
15 involves a termination sanction, the Department shall defer the
16 recovery of the disputed overpayment amount up to one year
17 after the date of the Department's final audit determination,
18 or earlier, or as required by State or federal law. If the
19 administrative hearing extends beyond one year, and such delay
20 was not caused by the request of the vendor, then the
21 Department shall not recover the disputed overpayment amount
22 until the date of the final administrative decision. If a final
23 administrative decision establishes that the disputed
24 overpayment amount is owed to the Department, then the amount
25 shall be immediately due to the Department. The Department
26 shall be entitled to recover interest from the vendor on the

1 overpayment amount from the date of the overpayment through the
2 date the vendor returns the overpayment to the Department at a
3 rate not to exceed the Wall Street Journal Prime Rate, as
4 published from time to time, but not to exceed 5%. Any interest
5 billed by the Department shall be due immediately upon receipt
6 of the Department's billing statement.

7 (F) The Illinois Department may withhold payments to any
8 vendor or alternate payee prior to or during the pendency of
9 any audit or proceeding under this Section, and through the
10 pendency of any administrative appeal or administrative review
11 by any court proceeding. The Illinois Department shall state by
12 rule with as much specificity as practicable the conditions
13 under which payments will not be withheld under this Section.
14 Payments may be denied for bills submitted with service dates
15 occurring during the pendency of a proceeding, after a final
16 decision has been rendered, or after the conclusion of any
17 administrative appeal, where the final administrative decision
18 is to terminate, exclude, or suspend eligibility to participate
19 in the medical assistance program. The Illinois Department
20 shall state by rule with as much specificity as practicable the
21 conditions under which payments will not be denied for such
22 bills. The Illinois Department shall state by rule a process
23 and criteria by which a vendor or alternate payee may request
24 full or partial release of payments withheld under this
25 subsection. The Department must complete a proceeding under
26 this Section in a timely manner.

1 Notwithstanding recovery allowed under subsection (E) or
2 this subsection (F), the Illinois Department may withhold
3 payments to any vendor or alternate payee who is not properly
4 licensed, certified, or in compliance with State or federal
5 agency regulations. Payments may be denied for bills submitted
6 with service dates occurring during the period of time that a
7 vendor is not properly licensed, certified, or in compliance
8 with State or federal regulations. Facilities licensed under
9 the Nursing Home Care Act shall have payments denied or
10 withheld pursuant to subsection (I) of this Section.

11 (F-5) The Illinois Department may temporarily withhold
12 payments to a vendor or alternate payee if any of the following
13 individuals have been indicted or otherwise charged under a law
14 of the United States or this or any other state with an offense
15 that is based on alleged fraud or willful misrepresentation on
16 the part of the individual related to (i) the medical
17 assistance program under Article V of this Code, (ii) a federal
18 or another state's medical assistance or health care program,
19 or (iii) the provision of health care services:

20 (1) If the vendor or alternate payee is a corporation:
21 an officer of the corporation or an individual who owns,
22 either directly or indirectly, 5% or more of the shares of
23 stock or other evidence of ownership of the corporation.

24 (2) If the vendor is a sole proprietorship: the owner
25 of the sole proprietorship.

26 (3) If the vendor or alternate payee is a partnership:

1 a partner in the partnership.

2 (4) If the vendor or alternate payee is any other
3 business entity authorized by law to transact business in
4 this State: an officer of the entity or an individual who
5 owns, either directly or indirectly, 5% or more of the
6 evidences of ownership of the entity.

7 If the Illinois Department withholds payments to a vendor
8 or alternate payee under this subsection, the Department shall
9 not release those payments to the vendor or alternate payee
10 while any criminal proceeding related to the indictment or
11 charge is pending unless the Department determines that there
12 is good cause to release the payments before completion of the
13 proceeding. If the indictment or charge results in the
14 individual's conviction, the Illinois Department shall retain
15 all withheld payments, which shall be considered forfeited to
16 the Department. If the indictment or charge does not result in
17 the individual's conviction, the Illinois Department shall
18 release to the vendor or alternate payee all withheld payments.

19 (F-10) If the Illinois Department establishes that the
20 vendor or alternate payee owes a debt to the Illinois
21 Department, and the vendor or alternate payee subsequently
22 fails to pay or make satisfactory payment arrangements with the
23 Illinois Department for the debt owed, the Illinois Department
24 may seek all remedies available under the law of this State to
25 recover the debt, including, but not limited to, wage
26 garnishment or the filing of claims or liens against the vendor

1 or alternate payee.

2 (F-15) Enforcement of judgment.

3 (1) Any fine, recovery amount, other sanction, or costs
4 imposed, or part of any fine, recovery amount, other
5 sanction, or cost imposed, remaining unpaid after the
6 exhaustion of or the failure to exhaust judicial review
7 procedures under the Illinois Administrative Review Law is
8 a debt due and owing the State and may be collected using
9 all remedies available under the law.

10 (2) After expiration of the period in which judicial
11 review under the Illinois Administrative Review Law may be
12 sought for a final administrative decision, unless stayed
13 by a court of competent jurisdiction, the findings,
14 decision, and order of the Director may be enforced in the
15 same manner as a judgment entered by a court of competent
16 jurisdiction.

17 (3) In any case in which any person or entity has
18 failed to comply with a judgment ordering or imposing any
19 fine or other sanction, any expenses incurred by the
20 Illinois Department to enforce the judgment, including,
21 but not limited to, attorney's fees, court costs, and costs
22 related to property demolition or foreclosure, after they
23 are fixed by a court of competent jurisdiction or the
24 Director, shall be a debt due and owing the State and may
25 be collected in accordance with applicable law. Prior to
26 any expenses being fixed by a final administrative decision

1 pursuant to this subsection (F-15), the Illinois
2 Department shall provide notice to the individual or entity
3 that states that the individual or entity shall appear at a
4 hearing before the administrative hearing officer to
5 determine whether the individual or entity has failed to
6 comply with the judgment. The notice shall set the date for
7 such a hearing, which shall not be less than 7 days from
8 the date that notice is served. If notice is served by
9 mail, the 7-day period shall begin to run on the date that
10 the notice was deposited in the mail.

11 (4) Upon being recorded in the manner required by
12 Article XII of the Code of Civil Procedure or by the
13 Uniform Commercial Code, a lien shall be imposed on the
14 real estate or personal estate, or both, of the individual
15 or entity in the amount of any debt due and owing the State
16 under this Section. The lien may be enforced in the same
17 manner as a judgment of a court of competent jurisdiction.
18 A lien shall attach to all property and assets of such
19 person, firm, corporation, association, agency,
20 institution, or other legal entity until the judgment is
21 satisfied.

22 (5) The Director may set aside any judgment entered by
23 default and set a new hearing date upon a petition filed at
24 any time (i) if the petitioner's failure to appear at the
25 hearing was for good cause, or (ii) if the petitioner
26 established that the Department did not provide proper

1 service of process. If any judgment is set aside pursuant
2 to this paragraph (5), the hearing officer shall have
3 authority to enter an order extinguishing any lien which
4 has been recorded for any debt due and owing the Illinois
5 Department as a result of the vacated default judgment.

6 (G) The provisions of the Administrative Review Law, as now
7 or hereafter amended, and the rules adopted pursuant thereto,
8 shall apply to and govern all proceedings for the judicial
9 review of final administrative decisions of the Illinois
10 Department under this Section. The term "administrative
11 decision" is defined as in Section 3-101 of the Code of Civil
12 Procedure.

13 (G-5) Vendors who pose a risk of fraud, waste, abuse, or
14 harm.

15 (1) Notwithstanding any other provision in this
16 Section, the Department may terminate, suspend, or exclude
17 vendors who pose a risk of fraud, waste, abuse, or harm
18 from participation in the medical assistance program prior
19 to an evidentiary hearing but after reasonable notice and
20 opportunity to respond as established by the Department by
21 rule.

22 (2) Vendors who pose a risk of fraud, waste, abuse, or
23 harm shall submit to a fingerprint-based criminal
24 background check on current and future information
25 available in the State system and current information
26 available through the Federal Bureau of Investigation's

1 system by submitting all necessary fees and information in
2 the form and manner prescribed by the Department of State
3 Police. The following individuals shall be subject to the
4 check:

5 (A) In the case of a vendor that is a corporation,
6 every shareholder who owns, directly or indirectly, 5%
7 or more of the outstanding shares of the corporation.

8 (B) In the case of a vendor that is a partnership,
9 every partner.

10 (C) In the case of a vendor that is a sole
11 proprietorship, the sole proprietor.

12 (D) Each officer or manager of the vendor.

13 Each such vendor shall be responsible for payment of
14 the cost of the criminal background check.

15 (3) Vendors who pose a risk of fraud, waste, abuse, or
16 harm may be required to post a surety bond. The Department
17 shall establish, by rule, the criteria and requirements for
18 determining when a surety bond must be posted and the value
19 of the bond.

20 (4) The Department, or its agents, may refuse to accept
21 requests for authorization from specific vendors who pose a
22 risk of fraud, waste, abuse, or harm, including
23 prior-approval and post-approval requests, if:

24 (A) the Department has initiated a notice of
25 termination, suspension, or exclusion of the vendor
26 from participation in the medical assistance program;

1 or

2 (B) the Department has issued notification of its
3 withholding of payments pursuant to subsection (F-5)
4 of this Section; or

5 (C) the Department has issued a notification of its
6 withholding of payments due to reliable evidence of
7 fraud or willful misrepresentation pending
8 investigation.

9 (5) As used in this subsection, the following terms are
10 defined as follows:

11 (A) "Fraud" means an intentional deception or
12 misrepresentation made by a person with the knowledge
13 that the deception could result in some unauthorized
14 benefit to himself or herself or some other person. It
15 includes any act that constitutes fraud under
16 applicable federal or State law.

17 (B) "Abuse" means provider practices that are
18 inconsistent with sound fiscal, business, or medical
19 practices and that result in an unnecessary cost to the
20 medical assistance program or in reimbursement for
21 services that are not medically necessary or that fail
22 to meet professionally recognized standards for health
23 care. It also includes recipient practices that result
24 in unnecessary cost to the medical assistance program.
25 Abuse does not include diagnostic or therapeutic
26 measures conducted primarily as a safeguard against

1 possible vendor liability.

2 (C) "Waste" means the unintentional misuse of
3 medical assistance resources, resulting in unnecessary
4 cost to the medical assistance program. Waste does not
5 include diagnostic or therapeutic measures conducted
6 primarily as a safeguard against possible vendor
7 liability.

8 (D) "Harm" means physical, mental, or monetary
9 damage to recipients or to the medical assistance
10 program.

11 (G-6) The Illinois Department, upon making a determination
12 based upon information in the possession of the Illinois
13 Department that continuation of participation in the medical
14 assistance program by a vendor would constitute an immediate
15 danger to the public, may immediately suspend such vendor's
16 participation in the medical assistance program without a
17 hearing. In instances in which the Illinois Department
18 immediately suspends the medical assistance program
19 participation of a vendor under this Section, a hearing upon
20 the vendor's participation must be convened by the Illinois
21 Department within 15 days after such suspension and completed
22 without appreciable delay. Such hearing shall be held to
23 determine whether to recommend to the Director that the
24 vendor's medical assistance program participation be denied,
25 terminated, suspended, placed on provisional status, or
26 reinstated. In the hearing, any evidence relevant to the vendor

1 constituting an immediate danger to the public may be
2 introduced against such vendor; provided, however, that the
3 vendor, or his or her counsel, shall have the opportunity to
4 discredit, impeach, and submit evidence rebutting such
5 evidence.

6 (H) Nothing contained in this Code shall in any way limit
7 or otherwise impair the authority or power of any State agency
8 responsible for licensing of vendors.

9 (I) Based on a finding of noncompliance on the part of a
10 nursing home with any requirement for certification under Title
11 XVIII or XIX of the Social Security Act (42 U.S.C. Sec. 1395 et
12 seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois Department
13 may impose one or more of the following remedies after notice
14 to the facility:

15 (1) Termination of the provider agreement.

16 (2) Temporary management.

17 (3) Denial of payment for new admissions.

18 (4) Civil money penalties.

19 (5) Closure of the facility in emergency situations or
20 transfer of residents, or both.

21 (6) State monitoring.

22 (7) Denial of all payments when the U.S. Department of
23 Health and Human Services has imposed this sanction.

24 The Illinois Department shall by rule establish criteria
25 governing continued payments to a nursing facility subsequent
26 to termination of the facility's provider agreement if, in the

1 sole discretion of the Illinois Department, circumstances
2 affecting the health, safety, and welfare of the facility's
3 residents require those continued payments. The Illinois
4 Department may condition those continued payments on the
5 appointment of temporary management, sale of the facility to
6 new owners or operators, or other arrangements that the
7 Illinois Department determines best serve the needs of the
8 facility's residents.

9 Except in the case of a facility that has a right to a
10 hearing on the finding of noncompliance before an agency of the
11 federal government, a facility may request a hearing before a
12 State agency on any finding of noncompliance within 60 days
13 after the notice of the intent to impose a remedy. Except in
14 the case of civil money penalties, a request for a hearing
15 shall not delay imposition of the penalty. The choice of
16 remedies is not appealable at a hearing. The level of
17 noncompliance may be challenged only in the case of a civil
18 money penalty. The Illinois Department shall provide by rule
19 for the State agency that will conduct the evidentiary
20 hearings.

21 The Illinois Department may collect interest on unpaid
22 civil money penalties.

23 The Illinois Department may adopt all rules necessary to
24 implement this subsection (I).

25 (J) The Illinois Department, by rule, may permit individual
26 practitioners to designate that Department payments that may be

1 due the practitioner be made to an alternate payee or alternate
2 payees.

3 (a) Such alternate payee or alternate payees shall be
4 required to register as an alternate payee in the Medical
5 Assistance Program with the Illinois Department.

6 (b) If a practitioner designates an alternate payee,
7 the alternate payee and practitioner shall be jointly and
8 severally liable to the Department for payments made to the
9 alternate payee. Pursuant to subsection (E) of this
10 Section, any Department action to suspend or deny payment
11 or recover money or overpayments from an alternate payee
12 shall be subject to an administrative hearing.

13 (c) Registration as an alternate payee or alternate
14 payees in the Illinois Medical Assistance Program shall be
15 conditional. At any time, the Illinois Department may deny
16 or cancel any alternate payee's registration in the
17 Illinois Medical Assistance Program without cause. Any
18 such denial or cancellation is not subject to an
19 administrative hearing.

20 (d) The Illinois Department may seek a revocation of
21 any alternate payee, and all owners, officers, and
22 individuals with management responsibility for such
23 alternate payee shall be permanently prohibited from
24 participating as an owner, an officer, or an individual
25 with management responsibility with an alternate payee in
26 the Illinois Medical Assistance Program, if after

1 reasonable notice and opportunity for a hearing the
2 Illinois Department finds that:

3 (1) the alternate payee is not complying with the
4 Department's policy or rules and regulations, or with
5 the terms and conditions prescribed by the Illinois
6 Department in its alternate payee registration
7 agreement; or

8 (2) the alternate payee has failed to keep or make
9 available for inspection, audit, or copying, after
10 receiving a written request from the Illinois
11 Department, such records regarding payments claimed as
12 an alternate payee; or

13 (3) the alternate payee has failed to furnish any
14 information requested by the Illinois Department
15 regarding payments claimed as an alternate payee; or

16 (4) the alternate payee has knowingly made, or
17 caused to be made, any false statement or
18 representation of a material fact in connection with
19 the administration of the Illinois Medical Assistance
20 Program; or

21 (5) the alternate payee, a person with management
22 responsibility for an alternate payee, an officer or
23 person owning, either directly or indirectly, 5% or
24 more of the shares of stock or other evidences of
25 ownership in a corporate alternate payee, or a partner
26 in a partnership which is an alternate payee:

1 (a) was previously terminated, suspended, or
2 excluded from participation as a vendor in the
3 Illinois Medical Assistance Program, or was
4 previously revoked as an alternate payee in the
5 Illinois Medical Assistance Program, or was
6 terminated, suspended, or excluded from
7 participation as a vendor in a medical assistance
8 program in another state that is of the same kind
9 as the program of medical assistance provided
10 under Article V of this Code; or

11 (b) was a person with management
12 responsibility for a vendor previously terminated,
13 suspended, or excluded from participation as a
14 vendor in the Illinois Medical Assistance Program,
15 or was previously revoked as an alternate payee in
16 the Illinois Medical Assistance Program, or was
17 terminated, suspended, or excluded from
18 participation as a vendor in a medical assistance
19 program in another state that is of the same kind
20 as the program of medical assistance provided
21 under Article V of this Code, during the time of
22 conduct which was the basis for that vendor's
23 termination, suspension, or exclusion or alternate
24 payee's revocation; or

25 (c) was an officer, or person owning, either
26 directly or indirectly, 5% or more of the shares of

1 stock or other evidences of ownership in a
2 corporate vendor previously terminated, suspended,
3 or excluded from participation as a vendor in the
4 Illinois Medical Assistance Program, or was
5 previously revoked as an alternate payee in the
6 Illinois Medical Assistance Program, or was
7 terminated, suspended, or excluded from
8 participation as a vendor in a medical assistance
9 program in another state that is of the same kind
10 as the program of medical assistance provided
11 under Article V of this Code, during the time of
12 conduct which was the basis for that vendor's
13 termination, suspension, or exclusion; or

14 (d) was an owner of a sole proprietorship or
15 partner in a partnership previously terminated,
16 suspended, or excluded from participation as a
17 vendor in the Illinois Medical Assistance Program,
18 or was previously revoked as an alternate payee in
19 the Illinois Medical Assistance Program, or was
20 terminated, suspended, or excluded from
21 participation as a vendor in a medical assistance
22 program in another state that is of the same kind
23 as the program of medical assistance provided
24 under Article V of this Code, during the time of
25 conduct which was the basis for that vendor's
26 termination, suspension, or exclusion or alternate

1 payee's revocation; or

2 (6) the alternate payee, a person with management
3 responsibility for an alternate payee, an officer or
4 person owning, either directly or indirectly, 5% or
5 more of the shares of stock or other evidences of
6 ownership in a corporate alternate payee, or a partner
7 in a partnership which is an alternate payee:

8 (a) has engaged in conduct prohibited by
9 applicable federal or State law or regulation
10 relating to the Illinois Medical Assistance
11 Program; or

12 (b) was a person with management
13 responsibility for a vendor or alternate payee at
14 the time that the vendor or alternate payee engaged
15 in practices prohibited by applicable federal or
16 State law or regulation relating to the Illinois
17 Medical Assistance Program; or

18 (c) was an officer, or person owning, either
19 directly or indirectly, 5% or more of the shares of
20 stock or other evidences of ownership in a vendor
21 or alternate payee at the time such vendor or
22 alternate payee engaged in practices prohibited by
23 applicable federal or State law or regulation
24 relating to the Illinois Medical Assistance
25 Program; or

26 (d) was an owner of a sole proprietorship or

1 partner in a partnership which was a vendor or
2 alternate payee at the time such vendor or
3 alternate payee engaged in practices prohibited by
4 applicable federal or State law or regulation
5 relating to the Illinois Medical Assistance
6 Program; or

7 (7) the direct or indirect ownership of the vendor
8 or alternate payee (including the ownership of a vendor
9 or alternate payee that is a partner's interest in a
10 vendor or alternate payee, or ownership of 5% or more
11 of the shares of stock or other evidences of ownership
12 in a corporate vendor or alternate payee) has been
13 transferred by an individual who is terminated,
14 suspended, or excluded or barred from participating as
15 a vendor or is prohibited or revoked as an alternate
16 payee to the individual's spouse, child, brother,
17 sister, parent, grandparent, grandchild, uncle, aunt,
18 niece, nephew, cousin, or relative by marriage.

19 (K) The Illinois Department of Healthcare and Family
20 Services may withhold payments, in whole or in part, to a
21 provider or alternate payee where there is credible evidence,
22 received from State or federal law enforcement or federal
23 oversight agencies or from the results of a preliminary
24 Department audit, that the circumstances giving rise to the
25 need for a withholding of payments may involve fraud or willful
26 misrepresentation under the Illinois Medical Assistance

1 program. The Department shall by rule define what constitutes
2 "credible" evidence for purposes of this subsection. The
3 Department may withhold payments without first notifying the
4 provider or alternate payee of its intention to withhold such
5 payments. A provider or alternate payee may request a
6 reconsideration of payment withholding, and the Department
7 must grant such a request. The Department shall state by rule a
8 process and criteria by which a provider or alternate payee may
9 request full or partial release of payments withheld under this
10 subsection. This request may be made at any time after the
11 Department first withholds such payments.

12 (a) The Illinois Department must send notice of its
13 withholding of program payments within 5 days of taking
14 such action. The notice must set forth the general
15 allegations as to the nature of the withholding action, but
16 need not disclose any specific information concerning its
17 ongoing investigation. The notice must do all of the
18 following:

19 (1) State that payments are being withheld in
20 accordance with this subsection.

21 (2) State that the withholding is for a temporary
22 period, as stated in paragraph (b) of this subsection,
23 and cite the circumstances under which withholding
24 will be terminated.

25 (3) Specify, when appropriate, which type or types
26 of Medicaid claims withholding is effective.

1 (4) Inform the provider or alternate payee of the
2 right to submit written evidence for reconsideration
3 of the withholding by the Illinois Department.

4 (5) Inform the provider or alternate payee that a
5 written request may be made to the Illinois Department
6 for full or partial release of withheld payments and
7 that such requests may be made at any time after the
8 Department first withholds such payments.

9 (b) All withholding-of-payment actions under this
10 subsection shall be temporary and shall not continue after
11 any of the following:

12 (1) The Illinois Department or the prosecuting
13 authorities determine that there is insufficient
14 evidence of fraud or willful misrepresentation by the
15 provider or alternate payee.

16 (2) Legal proceedings related to the provider's or
17 alternate payee's alleged fraud, willful
18 misrepresentation, violations of this Act, or
19 violations of the Illinois Department's administrative
20 rules are completed.

21 (3) The withholding of payments for a period of 3
22 years.

23 (c) The Illinois Department may adopt all rules
24 necessary to implement this subsection (K).

25 (K-5) The Illinois Department may withhold payments, in
26 whole or in part, to a provider or alternate payee upon

1 initiation of an audit, quality of care review, investigation
2 when there is a credible allegation of fraud, or the provider
3 or alternate payee demonstrating a clear failure to cooperate
4 with the Illinois Department such that the circumstances give
5 rise to the need for a withholding of payments. As used in this
6 subsection, "credible allegation" is defined to include an
7 allegation from any source, including, but not limited to,
8 fraud hotline complaints, claims data mining, patterns
9 identified through provider audits, civil actions filed under
10 the Illinois False Claims Act, and law enforcement
11 investigations. An allegation is considered to be credible when
12 it has indicia of reliability. The Illinois Department may
13 withhold payments without first notifying the provider or
14 alternate payee of its intention to withhold such payments. A
15 provider or alternate payee may request a hearing or a
16 reconsideration of payment withholding, and the Illinois
17 Department must grant such a request. The Illinois Department
18 shall state by rule a process and criteria by which a provider
19 or alternate payee may request a hearing or a reconsideration
20 for the full or partial release of payments withheld under this
21 subsection. This request may be made at any time after the
22 Illinois Department first withholds such payments.

23 (a) The Illinois Department must send notice of its
24 withholding of program payments within 5 days of taking
25 such action. The notice must set forth the general
26 allegations as to the nature of the withholding action but

1 need not disclose any specific information concerning its
2 ongoing investigation. The notice must do all of the
3 following:

4 (1) State that payments are being withheld in
5 accordance with this subsection.

6 (2) State that the withholding is for a temporary
7 period, as stated in paragraph (b) of this subsection,
8 and cite the circumstances under which withholding
9 will be terminated.

10 (3) Specify, when appropriate, which type or types
11 of claims are withheld.

12 (4) Inform the provider or alternate payee of the
13 right to request a hearing or a reconsideration of the
14 withholding by the Illinois Department, including the
15 ability to submit written evidence.

16 (5) Inform the provider or alternate payee that a
17 written request may be made to the Illinois Department
18 for a hearing or a reconsideration for the full or
19 partial release of withheld payments and that such
20 requests may be made at any time after the Illinois
21 Department first withholds such payments.

22 (b) All withholding of payment actions under this
23 subsection shall be temporary and shall not continue after
24 any of the following:

25 (1) The Illinois Department determines that there
26 is insufficient evidence of fraud, or the provider or

1 alternate payee demonstrates clear cooperation with
2 the Illinois Department, as determined by the Illinois
3 Department, such that the circumstances do not give
4 rise to the need for withholding of payments; or

5 (2) The withholding of payments has lasted for a
6 period in excess of 3 years.

7 (c) The Illinois Department may adopt all rules
8 necessary to implement this subsection (K-5).

9 (L) The Illinois Department shall establish a protocol to
10 enable health care providers to disclose an actual or potential
11 violation of this Section pursuant to a self-referral
12 disclosure protocol, referred to in this subsection as "the
13 protocol". The protocol shall include direction for health care
14 providers on a specific person, official, or office to whom
15 such disclosures shall be made. The Illinois Department shall
16 post information on the protocol on the Illinois Department's
17 public website. The Illinois Department may adopt rules
18 necessary to implement this subsection (L). In addition to
19 other factors that the Illinois Department finds appropriate,
20 the Illinois Department may consider a health care provider's
21 timely use or failure to use the protocol in considering the
22 provider's failure to comply with this Code.

23 (M) Notwithstanding any other provision of this Code, the
24 Illinois Department, at its discretion, may exempt an entity
25 licensed under the Nursing Home Care Act and the ID/DD
26 Community Care Act from the provisions of subsections (A-15),

1 (B), and (C) of this Section if the licensed entity is in
2 receivership.

3 (Source: P.A. 97-689, eff. 6-14-12; 97-1150, eff. 1-25-13;
4 98-214, eff. 8-9-13; 98-550, eff. 8-27-13; revised 9-19-13.)

5 (305 ILCS 5/12-4.45)

6 Sec. 12-4.45. Third party liability.

7 (a) To the extent authorized under federal law, the
8 Department of Healthcare and Family Services shall identify
9 individuals receiving services under medical assistance
10 programs funded or partially funded by the State who may be or
11 may have been covered by a third party health insurer, the
12 period of coverage for such individuals, and the nature of
13 coverage. A company, as defined in Section 5.5 of the Illinois
14 Insurance Code and Section 2 of the Comprehensive Health
15 Insurance Plan Act, must provide the Department eligibility
16 information in a federally recommended or mutually agreed-upon
17 format that includes at a minimum:

18 (1) The names, addresses, dates, and sex of primary
19 covered persons.

20 (2) The policy group numbers of the covered persons.

21 (3) The names, dates of birth, and sex of covered
22 dependents, and the relationship of dependents to the
23 primary covered person.

24 (4) The effective dates of coverage for each covered
25 person.

1 (5) The generally defined covered services
2 information, such as drugs, medical, or any other similar
3 description of services covered.

4 (b) The Department may impose an administrative penalty on
5 a company that does not comply with the request for information
6 made under Section 5.5 of the Illinois Insurance Code and
7 paragraph (3) of subsection (a) of Section 20 of the Covering
8 ALL KIDS Health Insurance Act. The amount of the penalty shall
9 not exceed \$10,000 per day for each day of noncompliance that
10 occurs after the 180th day after the date of the request. The
11 first day of the 180-day period commences on the business day
12 following the date of the correspondence requesting the
13 information sent by the Department to the company. The amount
14 shall be based on:

15 (1) The seriousness of the violation, including the
16 nature, circumstances, extent, and gravity of the
17 violation.

18 (2) The economic harm caused by the violation.

19 (3) The history of previous violations.

20 (4) The amount necessary to deter a future violation.

21 (5) Efforts to correct the violation.

22 (6) Any other matter that justice may require.

23 (c) The enforcement of the penalty may be stayed during the
24 time the order is under administrative review if the company
25 files an appeal.

26 (d) The Attorney General may bring suit on behalf of the

1 Department to collect the penalty.

2 (e) Recoveries made by the Department in connection with
3 the imposition of an administrative penalty as provided under
4 this Section shall be deposited into the Public Aid Recoveries
5 Trust Fund created under Section 12-9.

6 (Source: P.A. 98-130, eff. 8-2-13.)

7 (305 ILCS 5/12-4.46)

8 Sec. 12-4.46 ~~12-4.45~~. Change in legal guardianship;
9 notification. Whenever there is a change in legal guardianship
10 of a minor child who receives benefits under this Code, the
11 appropriate State agency shall immediately inform the
12 Department of Human Services of the change in legal
13 guardianship to ensure such benefits are sent directly to the
14 minor child's legal guardian.

15 For purposes of this Section, "legal guardian" means a
16 person appointed guardian, or given custody, of a minor by a
17 circuit court of the State, but does not include a person
18 appointed guardian, or given custody, of a minor under the
19 Juvenile Court Act or the Juvenile Court Act of 1987.

20 (Source: P.A. 98-256, eff. 8-9-13; revised 10-31-13.)

21 Section 545. The Adult Protective Services Act is amended
22 by changing Sections 2 and 7.5 as follows:

23 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

3 (a) "Abuse" means causing any physical, mental or sexual
4 injury to an eligible adult, including exploitation of such
5 adult's financial resources.

6 Nothing in this Act shall be construed to mean that an
7 eligible adult is a victim of abuse, neglect, or self-neglect
8 for the sole reason that he or she is being furnished with or
9 relies upon treatment by spiritual means through prayer alone,
10 in accordance with the tenets and practices of a recognized
11 church or religious denomination.

12 Nothing in this Act shall be construed to mean that an
13 eligible adult is a victim of abuse because of health care
14 services provided or not provided by licensed health care
15 professionals.

16 (a-5) "Abuser" means a person who abuses, neglects, or
17 financially exploits an eligible adult.

18 (a-6) "Adult with disabilities" means a person aged 18
19 through 59 who resides in a domestic living situation and whose
20 disability impairs his or her ability to seek or obtain
21 protection from abuse, neglect, or exploitation.

22 (a-7) "Caregiver" means a person who either as a result of
23 a family relationship, voluntarily, or in exchange for
24 compensation has assumed responsibility for all or a portion of
25 the care of an eligible adult who needs assistance with
26 activities of daily living.

1 (b) "Department" means the Department on Aging of the State
2 of Illinois.

3 (c) "Director" means the Director of the Department.

4 (c-5) "Disability" means a physical or mental disability,
5 including, but not limited to, a developmental disability, an
6 intellectual disability, a mental illness as defined under the
7 Mental Health and Developmental Disabilities Code, or dementia
8 as defined under the Alzheimer's Disease Assistance Act.

9 (d) "Domestic living situation" means a residence where the
10 eligible adult at the time of the report lives alone or with
11 his or her family or a caregiver, or others, or other
12 community-based unlicensed facility, but is not:

13 (1) A licensed facility as defined in Section 1-113 of
14 the Nursing Home Care Act;

15 (1.5) A facility licensed under the ID/DD Community
16 Care Act;

17 (1.7) A facility licensed under the Specialized Mental
18 Health Rehabilitation Act of 2013;

19 (2) A "life care facility" as defined in the Life Care
20 Facilities Act;

21 (3) A home, institution, or other place operated by the
22 federal government or agency thereof or by the State of
23 Illinois;

24 (4) A hospital, sanitarium, or other institution, the
25 principal activity or business of which is the diagnosis,
26 care, and treatment of human illness through the

1 maintenance and operation of organized facilities
2 therefor, which is required to be licensed under the
3 Hospital Licensing Act;

4 (5) A "community living facility" as defined in the
5 Community Living Facilities Licensing Act;

6 (6) (Blank);

7 (7) A "community-integrated living arrangement" as
8 defined in the Community-Integrated Living Arrangements
9 Licensure and Certification Act or a "community
10 residential alternative" as licensed under that Act;

11 (8) An assisted living or shared housing establishment
12 as defined in the Assisted Living and Shared Housing Act;
13 or

14 (9) A supportive living facility as described in
15 Section 5-5.01a of the Illinois Public Aid Code.

16 (e) "Eligible adult" means either an adult with
17 disabilities aged 18 through 59 or a person aged 60 or older
18 who resides in a domestic living situation and is, or is
19 alleged to be, abused, neglected, or financially exploited by
20 another individual or who neglects himself or herself.

21 (f) "Emergency" means a situation in which an eligible
22 adult is living in conditions presenting a risk of death or
23 physical, mental or sexual injury and the provider agency has
24 reason to believe the eligible adult is unable to consent to
25 services which would alleviate that risk.

26 (f-1) "Financial exploitation" means the use of an eligible

1 adult's resources by another to the disadvantage of that adult
2 or the profit or advantage of a person other than that adult.

3 (f-5) "Mandated reporter" means any of the following
4 persons while engaged in carrying out their professional
5 duties:

6 (1) a professional or professional's delegate while
7 engaged in: (i) social services, (ii) law enforcement,
8 (iii) education, (iv) the care of an eligible adult or
9 eligible adults, or (v) any of the occupations required to
10 be licensed under the Clinical Psychologist Licensing Act,
11 the Clinical Social Work and Social Work Practice Act, the
12 Illinois Dental Practice Act, the Dietitian Nutritionist
13 Practice Act, the Marriage and Family Therapy Licensing
14 Act, the Medical Practice Act of 1987, the Naprapathic
15 Practice Act, the Nurse Practice Act, the Nursing Home
16 Administrators Licensing and Disciplinary Act, the
17 Illinois Occupational Therapy Practice Act, the Illinois
18 Optometric Practice Act of 1987, the Pharmacy Practice Act,
19 the Illinois Physical Therapy Act, the Physician Assistant
20 Practice Act of 1987, the Podiatric Medical Practice Act of
21 1987, the Respiratory Care Practice Act, the Professional
22 Counselor and Clinical Professional Counselor Licensing
23 and Practice Act, the Illinois Speech-Language Pathology
24 and Audiology Practice Act, the Veterinary Medicine and
25 Surgery Practice Act of 2004, and the Illinois Public
26 Accounting Act;

1 (1.5) an employee of an entity providing developmental
2 disabilities services or service coordination funded by
3 the Department of Human Services;

4 (2) an employee of a vocational rehabilitation
5 facility prescribed or supervised by the Department of
6 Human Services;

7 (3) an administrator, employee, or person providing
8 services in or through an unlicensed community based
9 facility;

10 (4) any religious practitioner who provides treatment
11 by prayer or spiritual means alone in accordance with the
12 tenets and practices of a recognized church or religious
13 denomination, except as to information received in any
14 confession or sacred communication enjoined by the
15 discipline of the religious denomination to be held
16 confidential;

17 (5) field personnel of the Department of Healthcare and
18 Family Services, Department of Public Health, and
19 Department of Human Services, and any county or municipal
20 health department;

21 (6) personnel of the Department of Human Services, the
22 Guardianship and Advocacy Commission, the State Fire
23 Marshal, local fire departments, the Department on Aging
24 and its subsidiary Area Agencies on Aging and provider
25 agencies, and the Office of State Long Term Care Ombudsman;

26 (7) any employee of the State of Illinois not otherwise

1 specified herein who is involved in providing services to
2 eligible adults, including professionals providing medical
3 or rehabilitation services and all other persons having
4 direct contact with eligible adults;

5 (8) a person who performs the duties of a coroner or
6 medical examiner; or

7 (9) a person who performs the duties of a paramedic or
8 an emergency medical technician.

9 (g) "Neglect" means another individual's failure to
10 provide an eligible adult with or willful withholding from an
11 eligible adult the necessities of life including, but not
12 limited to, food, clothing, shelter or health care. This
13 subsection does not create any new affirmative duty to provide
14 support to eligible adults. Nothing in this Act shall be
15 construed to mean that an eligible adult is a victim of neglect
16 because of health care services provided or not provided by
17 licensed health care professionals.

18 (h) "Provider agency" means any public or nonprofit agency
19 in a planning and service area appointed by the regional
20 administrative agency with prior approval by the Department on
21 Aging to receive and assess reports of alleged or suspected
22 abuse, neglect, or financial exploitation. A provider agency is
23 also referenced as a "designated agency" in this Act.

24 (i) "Regional administrative agency" means any public or
25 nonprofit agency in a planning and service area so designated
26 by the Department, provided that the designated Area Agency on

1 Aging shall be designated the regional administrative agency if
2 it so requests. The Department shall assume the functions of
3 the regional administrative agency for any planning and service
4 area where another agency is not so designated.

5 (i-5) "Self-neglect" means a condition that is the result
6 of an eligible adult's inability, due to physical or mental
7 impairments, or both, or a diminished capacity, to perform
8 essential self-care tasks that substantially threaten his or
9 her own health, including: providing essential food, clothing,
10 shelter, and health care; and obtaining goods and services
11 necessary to maintain physical health, mental health,
12 emotional well-being, and general safety. The term includes
13 compulsive hoarding, which is characterized by the acquisition
14 and retention of large quantities of items and materials that
15 produce an extensively cluttered living space, which
16 significantly impairs the performance of essential self-care
17 tasks or otherwise substantially threatens life or safety.

18 (j) "Substantiated case" means a reported case of alleged
19 or suspected abuse, neglect, financial exploitation, or
20 self-neglect in which a provider agency, after assessment,
21 determines that there is reason to believe abuse, neglect, or
22 financial exploitation has occurred.

23 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-300,
24 eff. 8-11-11; 97-706, eff. 6-25-12; 97-813, eff. 7-13-12;
25 97-1141, eff. 12-28-12; 98-49, eff. 7-1-13; 98-104, eff.
26 7-22-13; revised 9-19-13.)

1 (320 ILCS 20/7.5)

2 Sec. 7.5. Health Care Worker Registry.

3 (a) Reporting to the Registry. The Department on Aging
4 shall report to the Department of Public Health's Health Care
5 Worker Registry the identity and administrative finding of a
6 verified and substantiated decision of abuse, neglect, or
7 financial exploitation of an eligible adult under this Act that
8 is made against any caregiver, including consultants and
9 volunteers, employed by a provider licensed, certified, or
10 regulated by, or paid with public funds from, the Department of
11 Public Health, Healthcare and Family Services, or Human
12 Services, or the Department on Aging. For uncompensated or
13 privately paid caregivers, the Department on Aging shall report
14 only a verified and substantiated decision of significant
15 abuse, neglect, or financial exploitation of an eligible adult
16 under this Act. An administrative finding placed in the
17 Registry shall preclude any caregiver from providing direct
18 access or other services, including consulting and
19 volunteering, in a position with a provider that is licensed,
20 certified, or regulated by, or paid with public funds from or
21 on behalf of, the State of Illinois or any Department thereof,
22 that permits the caregiver direct access to an adult aged 60 or
23 older or an adult, over 18, with a disability or to that
24 individual's living quarters or personal, financial, or
25 medical records.

1 (b) Definitions. As used in this Section:

2 "Direct care" includes, but is not limited to, direct
3 access to an individual, his or her living quarters, or his or
4 her personal, financial, or medical records for the purpose of
5 providing nursing care or assistance with feeding, dressing,
6 movement, bathing, toileting, other personal needs and
7 activities of daily living, or assistance with financial
8 transactions.

9 "Privately paid caregiver" means any caregiver who has been
10 paid with resources other than public funds, regardless of
11 licensure, certification, or regulation by the State of
12 Illinois and any Department thereof. A privately paid caregiver
13 does not include any caregiver that has been licensed,
14 certified, or regulated by a State agency, or paid with public
15 funds.

16 "Significant" means a finding of abuse, neglect, or
17 financial exploitation as determined by the Department that (i)
18 represents a meaningful failure to adequately provide for, or a
19 material indifference to, the financial, health, safety, or
20 medical needs of an eligible adult or (ii) results in an
21 eligible adult's death or other serious deterioration of an
22 eligible adult's financial resources, physical condition, or
23 mental condition.

24 "Uncompensated caregiver" means a caregiver who, in an
25 informal capacity, assists an eligible adult with activities of
26 daily living, financial transactions, or chore housekeeping

1 type duties. "Uncompensated caregiver" does not refer to an
2 individual serving in a formal capacity as a volunteer with a
3 provider licensed, certified, or regulated by a State agency.

4 (c) Access to and use of the Registry. Access to the
5 Registry shall be limited to licensed, certified, or regulated
6 providers by the Department of Public Health, Healthcare and
7 Family Service, or Human Services, or the Department on Aging.
8 The State of Illinois, any Department thereof, or a provider
9 licensed, certified, or regulated, or paid with public funds
10 by, from, or on behalf of the Department of Public Health,
11 Healthcare and Family Services, or Human Services, or the
12 Department on Aging, shall not hire or compensate any person
13 seeking employment, retain any contractors, or accept any
14 volunteers to provide direct care without first conducting an
15 online check of the person through the Department of Public
16 Health's Health Care Worker Registry. The provider shall
17 maintain a copy of the results of the online check to
18 demonstrate compliance with this requirement. The provider is
19 prohibited from hiring, compensating, or accepting a person,
20 including as a consultant or volunteer, for whom the online
21 check reveals a verified and substantiated claim of abuse,
22 neglect, or financial exploitation, to provide direct access to
23 any adult aged 60 or older or any adult, over 18, with a
24 disability. Additionally, a provider is prohibited from
25 retaining a person for whom they gain knowledge of a verified
26 and substantiated claim of abuse, neglect, or financial

1 exploitation in a position that permits the caregiver direct
2 access to provide direct care to any adult aged 60 or older or
3 any adult, over 18, with a disability or direct access to that
4 individual's living quarters or personal, financial, or
5 medical records. Failure to comply with this requirement may
6 subject such a provider to corrective action by the appropriate
7 regulatory agency or other lawful remedies provided under the
8 applicable licensure, certification, or regulatory laws and
9 rules.

10 (d) Notice to caregiver. The Department on Aging shall
11 establish rules concerning notice to the caregiver in cases of
12 abuse, neglect, or financial exploitation.

13 (e) Notification to eligible adults, guardians, or agents.
14 As part of its investigation, the Department on Aging shall
15 notify an eligible adult, or an eligible adult's guardian or
16 agent, that a caregiver's name may be placed on the Registry
17 based on a finding as described in subsection (a) ~~(a-1)~~ of this
18 Section.

19 (f) Notification to employer. A provider licensed,
20 certified, or regulated by the Department of Public Health,
21 Healthcare and Family Services, or Human Services, or the
22 Department on Aging shall be notified of an administrative
23 finding against any caregiver who is an employee, consultant,
24 or volunteer of a verified and substantiated decision of abuse,
25 neglect, or financial exploitation of an eligible adult under
26 this Act. If there is an imminent risk of danger to the

1 eligible adult or an imminent risk of misuse of personal,
2 medical, or financial information, the caregiver shall
3 immediately be barred from direct access to the eligible adult,
4 his or her living quarters, or his or her personal, financial,
5 or medical records, pending the outcome of any challenge,
6 criminal prosecution, or other type of collateral action.

7 (g) Caregiver challenges. The Department on Aging shall
8 establish, by rule, procedures concerning caregiver
9 challenges.

10 (h) Caregiver's rights to collateral action. The
11 Department on Aging shall not make any report to the Registry
12 if a caregiver notifies the Department in writing, including
13 any supporting documentation, that he or she is formally
14 challenging an adverse employment action resulting from a
15 verified and substantiated finding of abuse, neglect, or
16 financial exploitation by complaint filed with the Illinois
17 Civil Service Commission, or by another means which seeks to
18 enforce the caregiver's rights pursuant to any applicable
19 collective bargaining agreement. If an action taken by an
20 employer against a caregiver as a result of a finding of abuse,
21 neglect, or financial exploitation is overturned through an
22 action filed with the Illinois Civil Service Commission or
23 under any applicable collective bargaining agreement after
24 that caregiver's name has already been sent to the Registry,
25 the caregiver's name shall be removed from the Registry.

26 (i) Removal from Registry. At any time after a report to

1 the Registry, but no more than once in each successive 3-year
2 period thereafter, for a maximum of 3 such requests, a
3 caregiver may write to the Director of the Department on Aging
4 to request removal of his or her name from the Registry in
5 relationship to a single incident. The caregiver shall bear the
6 burden of showing cause that establishes, by a preponderance of
7 the evidence, that removal of his or her name from the Registry
8 is in the public interest. Upon receiving such a request, the
9 Department on Aging shall conduct an investigation and consider
10 any evidentiary material provided. The Department shall issue a
11 decision either granting or denying removal within 60 calendar
12 days, and shall issue such decision to the caregiver and the
13 Registry. The waiver process at the Department of Public Health
14 does not apply to Registry reports from the Department on
15 Aging. The Department on Aging shall establish standards for
16 the removal of a name from the Registry by rule.

17 (j) Referral of Registry reports to health care facilities.
18 In the event an eligible adult receiving services from a
19 provider agency changes his or her residence from a domestic
20 living situation to that of a health care facility, the
21 provider agency shall use reasonable efforts to promptly inform
22 the health care facility and the appropriate Regional Long Term
23 Care Ombudsman about any Registry reports relating to the
24 eligible adult. For purposes of this Section, a health care
25 facility includes, but is not limited to, any residential
26 facility licensed, certified, or regulated by the Department of

1 Public Health, Healthcare and Family Services, or Human
2 Services.

3 (Source: P.A. 98-49, eff. 1-1-14; revised 11-12-13.)

4 Section 550. The Abused and Neglected Child Reporting Act
5 is amended by changing Sections 4 and 7.16 as follows:

6 (325 ILCS 5/4)

7 (Text of Section before amendment by P.A. 98-408)

8 Sec. 4. Persons required to report; privileged
9 communications; transmitting false report. Any physician,
10 resident, intern, hospital, hospital administrator and
11 personnel engaged in examination, care and treatment of
12 persons, surgeon, dentist, dentist hygienist, osteopath,
13 chiropractor, podiatric physician, physician assistant,
14 substance abuse treatment personnel, funeral home director or
15 employee, coroner, medical examiner, emergency medical
16 technician, acupuncturist, crisis line or hotline personnel,
17 school personnel (including administrators and both certified
18 and non-certified school employees), personnel of institutions
19 of higher education, educational advocate assigned to a child
20 pursuant to the School Code, member of a school board or the
21 Chicago Board of Education or the governing body of a private
22 school (but only to the extent required in accordance with
23 other provisions of this Section expressly concerning the duty
24 of school board members to report suspected child abuse),

1 truant officers, social worker, social services administrator,
2 domestic violence program personnel, registered nurse,
3 licensed practical nurse, genetic counselor, respiratory care
4 practitioner, advanced practice nurse, home health aide,
5 director or staff assistant of a nursery school or a child day
6 care center, recreational or athletic program or facility
7 personnel, early intervention provider as defined in the Early
8 Intervention Services System Act, law enforcement officer,
9 licensed professional counselor, licensed clinical
10 professional counselor, registered psychologist and assistants
11 working under the direct supervision of a psychologist,
12 psychiatrist, or field personnel of the Department of
13 Healthcare and Family Services, Juvenile Justice, Public
14 Health, Human Services (acting as successor to the Department
15 of Mental Health and Developmental Disabilities,
16 Rehabilitation Services, or Public Aid), Corrections, Human
17 Rights, or Children and Family Services, supervisor and
18 administrator of general assistance under the Illinois Public
19 Aid Code, probation officer, animal control officer or Illinois
20 Department of Agriculture Bureau of Animal Health and Welfare
21 field investigator, or any other foster parent, homemaker or
22 child care worker having reasonable cause to believe a child
23 known to them in their professional or official capacity may be
24 an abused child or a neglected child shall immediately report
25 or cause a report to be made to the Department.

26 Any member of the clergy having reasonable cause to believe

1 that a child known to that member of the clergy in his or her
2 professional capacity may be an abused child as defined in item
3 (c) of the definition of "abused child" in Section 3 of this
4 Act shall immediately report or cause a report to be made to
5 the Department.

6 Any physician, physician's assistant, registered nurse,
7 licensed practical nurse, medical technician, certified
8 nursing assistant, social worker, or licensed professional
9 counselor of any office, clinic, or any other physical location
10 that provides abortions, abortion referrals, or contraceptives
11 having reasonable cause to believe a child known to him or her
12 in his or her professional or official capacity may be an
13 abused child or a neglected child shall immediately report or
14 cause a report to be made to the Department.

15 If an allegation is raised to a school board member during
16 the course of an open or closed school board meeting that a
17 child who is enrolled in the school district of which he or she
18 is a board member is an abused child as defined in Section 3 of
19 this Act, the member shall direct or cause the school board to
20 direct the superintendent of the school district or other
21 equivalent school administrator to comply with the
22 requirements of this Act concerning the reporting of child
23 abuse. For purposes of this paragraph, a school board member is
24 granted the authority in his or her individual capacity to
25 direct the superintendent of the school district or other
26 equivalent school administrator to comply with the

1 requirements of this Act concerning the reporting of child
2 abuse.

3 Notwithstanding any other provision of this Act, if an
4 employee of a school district has made a report or caused a
5 report to be made to the Department under this Act involving
6 the conduct of a current or former employee of the school
7 district and a request is made by another school district for
8 the provision of information concerning the job performance or
9 qualifications of the current or former employee because he or
10 she is an applicant for employment with the requesting school
11 district, the general superintendent of the school district to
12 which the request is being made must disclose to the requesting
13 school district the fact that an employee of the school
14 district has made a report involving the conduct of the
15 applicant or caused a report to be made to the Department, as
16 required under this Act. Only the fact that an employee of the
17 school district has made a report involving the conduct of the
18 applicant or caused a report to be made to the Department may
19 be disclosed by the general superintendent of the school
20 district to which the request for information concerning the
21 applicant is made, and this fact may be disclosed only in cases
22 where the employee and the general superintendent have not been
23 informed by the Department that the allegations were unfounded.
24 An employee of a school district who is or has been the subject
25 of a report made pursuant to this Act during his or her
26 employment with the school district must be informed by that

1 school district that if he or she applies for employment with
2 another school district, the general superintendent of the
3 former school district, upon the request of the school district
4 to which the employee applies, shall notify that requesting
5 school district that the employee is or was the subject of such
6 a report.

7 Whenever such person is required to report under this Act
8 in his capacity as a member of the staff of a medical or other
9 public or private institution, school, facility or agency, or
10 as a member of the clergy, he shall make report immediately to
11 the Department in accordance with the provisions of this Act
12 and may also notify the person in charge of such institution,
13 school, facility or agency, or church, synagogue, temple,
14 mosque, or other religious institution, or his designated agent
15 that such report has been made. Under no circumstances shall
16 any person in charge of such institution, school, facility or
17 agency, or church, synagogue, temple, mosque, or other
18 religious institution, or his designated agent to whom such
19 notification has been made, exercise any control, restraint,
20 modification or other change in the report or the forwarding of
21 such report to the Department.

22 The privileged quality of communication between any
23 professional person required to report and his patient or
24 client shall not apply to situations involving abused or
25 neglected children and shall not constitute grounds for failure
26 to report as required by this Act or constitute grounds for

1 failure to share information or documents with the Department
2 during the course of a child abuse or neglect investigation. If
3 requested by the professional, the Department shall confirm in
4 writing that the information or documents disclosed by the
5 professional were gathered in the course of a child abuse or
6 neglect investigation.

7 The reporting requirements of this Act shall not apply to
8 the contents of a privileged communication between an attorney
9 and his or her client or to confidential information within the
10 meaning of Rule 1.6 of the Illinois Rules of Professional
11 Conduct relating to the legal representation of an individual
12 client.

13 A member of the clergy may claim the privilege under
14 Section 8-803 of the Code of Civil Procedure.

15 Any office, clinic, or any other physical location that
16 provides abortions, abortion referrals, or contraceptives
17 shall provide to all office personnel copies of written
18 information and training materials about abuse and neglect and
19 the requirements of this Act that are provided to employees of
20 the office, clinic, or physical location who are required to
21 make reports to the Department under this Act, and instruct
22 such office personnel to bring to the attention of an employee
23 of the office, clinic, or physical location who is required to
24 make reports to the Department under this Act any reasonable
25 suspicion that a child known to him or her in his or her
26 professional or official capacity may be an abused child or a

1 neglected child. In addition to the above persons required to
2 report suspected cases of abused or neglected children, any
3 other person may make a report if such person has reasonable
4 cause to believe a child may be an abused child or a neglected
5 child.

6 Any person who enters into employment on and after July 1,
7 1986 and is mandated by virtue of that employment to report
8 under this Act, shall sign a statement on a form prescribed by
9 the Department, to the effect that the employee has knowledge
10 and understanding of the reporting requirements of this Act.
11 The statement shall be signed prior to commencement of the
12 employment. The signed statement shall be retained by the
13 employer. The cost of printing, distribution, and filing of the
14 statement shall be borne by the employer.

15 The Department shall provide copies of this Act, upon
16 request, to all employers employing persons who shall be
17 required under the provisions of this Section to report under
18 this Act.

19 Any person who knowingly transmits a false report to the
20 Department commits the offense of disorderly conduct under
21 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
22 A violation of this provision is a Class 4 felony.

23 Any person who knowingly and willfully violates any
24 provision of this Section other than a second or subsequent
25 violation of transmitting a false report as described in the
26 preceding paragraph, is guilty of a Class A misdemeanor for a

1 first violation and a Class 4 felony for a second or subsequent
2 violation; except that if the person acted as part of a plan or
3 scheme having as its object the prevention of discovery of an
4 abused or neglected child by lawful authorities for the purpose
5 of protecting or insulating any person or entity from arrest or
6 prosecution, the person is guilty of a Class 4 felony for a
7 first offense and a Class 3 felony for a second or subsequent
8 offense (regardless of whether the second or subsequent offense
9 involves any of the same facts or persons as the first or other
10 prior offense).

11 A child whose parent, guardian or custodian in good faith
12 selects and depends upon spiritual means through prayer alone
13 for the treatment or cure of disease or remedial care may be
14 considered neglected or abused, but not for the sole reason
15 that his parent, guardian or custodian accepts and practices
16 such beliefs.

17 A child shall not be considered neglected or abused solely
18 because the child is not attending school in accordance with
19 the requirements of Article 26 of the School Code, as amended.

20 Nothing in this Act prohibits a mandated reporter who
21 reasonably believes that an animal is being abused or neglected
22 in violation of the Humane Care for Animals Act from reporting
23 animal abuse or neglect to the Department of Agriculture's
24 Bureau of Animal Health and Welfare.

25 A home rule unit may not regulate the reporting of child
26 abuse or neglect in a manner inconsistent with the provisions

1 of this Section. This Section is a limitation under subsection
2 (i) of Section 6 of Article VII of the Illinois Constitution on
3 the concurrent exercise by home rule units of powers and
4 functions exercised by the State.

5 For purposes of this Section "child abuse or neglect"
6 includes abuse or neglect of an adult resident as defined in
7 this Act.

8 (Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12;
9 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff.
10 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214,
11 eff. 8-9-13; revised 9-19-13.)

12 (Text of Section after amendment by P.A. 98-408)

13 Sec. 4. Persons required to report; privileged
14 communications; transmitting false report. Any physician,
15 resident, intern, hospital, hospital administrator and
16 personnel engaged in examination, care and treatment of
17 persons, surgeon, dentist, dentist hygienist, osteopath,
18 chiropractor, podiatric physician, physician assistant,
19 substance abuse treatment personnel, funeral home director or
20 employee, coroner, medical examiner, emergency medical
21 technician, acupuncturist, crisis line or hotline personnel,
22 school personnel (including administrators and both certified
23 and non-certified school employees), personnel of institutions
24 of higher education, educational advocate assigned to a child
25 pursuant to the School Code, member of a school board or the

1 Chicago Board of Education or the governing body of a private
2 school (but only to the extent required in accordance with
3 other provisions of this Section expressly concerning the duty
4 of school board members to report suspected child abuse),
5 truant officers, social worker, social services administrator,
6 domestic violence program personnel, registered nurse,
7 licensed practical nurse, genetic counselor, respiratory care
8 practitioner, advanced practice nurse, home health aide,
9 director or staff assistant of a nursery school or a child day
10 care center, recreational or athletic program or facility
11 personnel, early intervention provider as defined in the Early
12 Intervention Services System Act, law enforcement officer,
13 licensed professional counselor, licensed clinical
14 professional counselor, registered psychologist and assistants
15 working under the direct supervision of a psychologist,
16 psychiatrist, or field personnel of the Department of
17 Healthcare and Family Services, Juvenile Justice, Public
18 Health, Human Services (acting as successor to the Department
19 of Mental Health and Developmental Disabilities,
20 Rehabilitation Services, or Public Aid), Corrections, Human
21 Rights, or Children and Family Services, supervisor and
22 administrator of general assistance under the Illinois Public
23 Aid Code, probation officer, animal control officer or Illinois
24 Department of Agriculture Bureau of Animal Health and Welfare
25 field investigator, or any other foster parent, homemaker or
26 child care worker having reasonable cause to believe a child

1 known to them in their professional or official capacity may be
2 an abused child or a neglected child shall immediately report
3 or cause a report to be made to the Department.

4 Any member of the clergy having reasonable cause to believe
5 that a child known to that member of the clergy in his or her
6 professional capacity may be an abused child as defined in item
7 (c) of the definition of "abused child" in Section 3 of this
8 Act shall immediately report or cause a report to be made to
9 the Department.

10 Any physician, physician's assistant, registered nurse,
11 licensed practical nurse, medical technician, certified
12 nursing assistant, social worker, or licensed professional
13 counselor of any office, clinic, or any other physical location
14 that provides abortions, abortion referrals, or contraceptives
15 having reasonable cause to believe a child known to him or her
16 in his or her professional or official capacity may be an
17 abused child or a neglected child shall immediately report or
18 cause a report to be made to the Department.

19 If an allegation is raised to a school board member during
20 the course of an open or closed school board meeting that a
21 child who is enrolled in the school district of which he or she
22 is a board member is an abused child as defined in Section 3 of
23 this Act, the member shall direct or cause the school board to
24 direct the superintendent of the school district or other
25 equivalent school administrator to comply with the
26 requirements of this Act concerning the reporting of child

1 abuse. For purposes of this paragraph, a school board member is
2 granted the authority in his or her individual capacity to
3 direct the superintendent of the school district or other
4 equivalent school administrator to comply with the
5 requirements of this Act concerning the reporting of child
6 abuse.

7 Notwithstanding any other provision of this Act, if an
8 employee of a school district has made a report or caused a
9 report to be made to the Department under this Act involving
10 the conduct of a current or former employee of the school
11 district and a request is made by another school district for
12 the provision of information concerning the job performance or
13 qualifications of the current or former employee because he or
14 she is an applicant for employment with the requesting school
15 district, the general superintendent of the school district to
16 which the request is being made must disclose to the requesting
17 school district the fact that an employee of the school
18 district has made a report involving the conduct of the
19 applicant or caused a report to be made to the Department, as
20 required under this Act. Only the fact that an employee of the
21 school district has made a report involving the conduct of the
22 applicant or caused a report to be made to the Department may
23 be disclosed by the general superintendent of the school
24 district to which the request for information concerning the
25 applicant is made, and this fact may be disclosed only in cases
26 where the employee and the general superintendent have not been

1 informed by the Department that the allegations were unfounded.
2 An employee of a school district who is or has been the subject
3 of a report made pursuant to this Act during his or her
4 employment with the school district must be informed by that
5 school district that if he or she applies for employment with
6 another school district, the general superintendent of the
7 former school district, upon the request of the school district
8 to which the employee applies, shall notify that requesting
9 school district that the employee is or was the subject of such
10 a report.

11 Whenever such person is required to report under this Act
12 in his capacity as a member of the staff of a medical or other
13 public or private institution, school, facility or agency, or
14 as a member of the clergy, he shall make report immediately to
15 the Department in accordance with the provisions of this Act
16 and may also notify the person in charge of such institution,
17 school, facility or agency, or church, synagogue, temple,
18 mosque, or other religious institution, or his designated agent
19 that such report has been made. Under no circumstances shall
20 any person in charge of such institution, school, facility or
21 agency, or church, synagogue, temple, mosque, or other
22 religious institution, or his designated agent to whom such
23 notification has been made, exercise any control, restraint,
24 modification or other change in the report or the forwarding of
25 such report to the Department.

26 The privileged quality of communication between any

1 professional person required to report and his patient or
2 client shall not apply to situations involving abused or
3 neglected children and shall not constitute grounds for failure
4 to report as required by this Act or constitute grounds for
5 failure to share information or documents with the Department
6 during the course of a child abuse or neglect investigation. If
7 requested by the professional, the Department shall confirm in
8 writing that the information or documents disclosed by the
9 professional were gathered in the course of a child abuse or
10 neglect investigation.

11 The reporting requirements of this Act shall not apply to
12 the contents of a privileged communication between an attorney
13 and his or her client or to confidential information within the
14 meaning of Rule 1.6 of the Illinois Rules of Professional
15 Conduct relating to the legal representation of an individual
16 client.

17 A member of the clergy may claim the privilege under
18 Section 8-803 of the Code of Civil Procedure.

19 Any office, clinic, or any other physical location that
20 provides abortions, abortion referrals, or contraceptives
21 shall provide to all office personnel copies of written
22 information and training materials about abuse and neglect and
23 the requirements of this Act that are provided to employees of
24 the office, clinic, or physical location who are required to
25 make reports to the Department under this Act, and instruct
26 such office personnel to bring to the attention of an employee

1 of the office, clinic, or physical location who is required to
2 make reports to the Department under this Act any reasonable
3 suspicion that a child known to him or her in his or her
4 professional or official capacity may be an abused child or a
5 neglected child. In addition to the above persons required to
6 report suspected cases of abused or neglected children, any
7 other person may make a report if such person has reasonable
8 cause to believe a child may be an abused child or a neglected
9 child.

10 Any person who enters into employment on and after July 1,
11 1986 and is mandated by virtue of that employment to report
12 under this Act, shall sign a statement on a form prescribed by
13 the Department, to the effect that the employee has knowledge
14 and understanding of the reporting requirements of this Act.
15 The statement shall be signed prior to commencement of the
16 employment. The signed statement shall be retained by the
17 employer. The cost of printing, distribution, and filing of the
18 statement shall be borne by the employer.

19 Within one year of initial employment and at least every 5
20 years thereafter, school personnel required to report child
21 abuse as provided under this Section must complete mandated
22 reporter training by a provider or agency with expertise in
23 recognizing and reporting child abuse.

24 The Department shall provide copies of this Act, upon
25 request, to all employers employing persons who shall be
26 required under the provisions of this Section to report under

1 this Act.

2 Any person who knowingly transmits a false report to the
3 Department commits the offense of disorderly conduct under
4 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
5 A violation of this provision is a Class 4 felony.

6 Any person who knowingly and willfully violates any
7 provision of this Section other than a second or subsequent
8 violation of transmitting a false report as described in the
9 preceding paragraph, is guilty of a Class A misdemeanor for a
10 first violation and a Class 4 felony for a second or subsequent
11 violation; except that if the person acted as part of a plan or
12 scheme having as its object the prevention of discovery of an
13 abused or neglected child by lawful authorities for the purpose
14 of protecting or insulating any person or entity from arrest or
15 prosecution, the person is guilty of a Class 4 felony for a
16 first offense and a Class 3 felony for a second or subsequent
17 offense (regardless of whether the second or subsequent offense
18 involves any of the same facts or persons as the first or other
19 prior offense).

20 A child whose parent, guardian or custodian in good faith
21 selects and depends upon spiritual means through prayer alone
22 for the treatment or cure of disease or remedial care may be
23 considered neglected or abused, but not for the sole reason
24 that his parent, guardian or custodian accepts and practices
25 such beliefs.

26 A child shall not be considered neglected or abused solely

1 because the child is not attending school in accordance with
2 the requirements of Article 26 of the School Code, as amended.

3 Nothing in this Act prohibits a mandated reporter who
4 reasonably believes that an animal is being abused or neglected
5 in violation of the Humane Care for Animals Act from reporting
6 animal abuse or neglect to the Department of Agriculture's
7 Bureau of Animal Health and Welfare.

8 A home rule unit may not regulate the reporting of child
9 abuse or neglect in a manner inconsistent with the provisions
10 of this Section. This Section is a limitation under subsection
11 (i) of Section 6 of Article VII of the Illinois Constitution on
12 the concurrent exercise by home rule units of powers and
13 functions exercised by the State.

14 For purposes of this Section "child abuse or neglect"
15 includes abuse or neglect of an adult resident as defined in
16 this Act.

17 (Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12;
18 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff.
19 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214,
20 eff. 8-9-13; 98-408, eff. 7-1-14; revised 9-19-13.)

21 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

22 Sec. 7.16. For any investigation or appeal initiated on or
23 after, or pending on July 1, 1998, the following time frames
24 shall apply. Within 60 days after the notification of the
25 completion of the Child Protective Service Unit investigation,

1 determined by the date of the notification sent by the
2 Department, the perpetrator named in the notification may
3 request the Department to amend the record or remove the record
4 of the report from the register, except that the 60-day
5 deadline for filing a request to amend the record or remove the
6 record of the report from the State Central Register shall be
7 tolled until after the conclusion of any criminal court action
8 in the circuit court or after adjudication in any juvenile
9 court action concerning the circumstances that give rise to an
10 indicated report. Such request shall be in writing and directed
11 to such person as the Department designates in the notification
12 letter notifying the perpetrator of the indicated finding. The
13 perpetrator shall have the right to a timely hearing within the
14 Department to determine whether the record of the report should
15 be amended or removed on the grounds that it is inaccurate or
16 it is being maintained in a manner inconsistent with this Act,
17 except that there shall be no such right to a hearing on the
18 ground of the report's inaccuracy if there has been a court
19 finding of child abuse or neglect or a criminal finding of
20 guilt as to the perpetrator. Such hearing shall be held within
21 a reasonable time after the perpetrator's request and at a
22 reasonable place and hour. The appropriate Child Protective
23 Service Unit shall be given notice of the hearing. If the
24 minor, who is the victim named in the report sought to be
25 amended or removed from the State Central Register, is the
26 subject of a pending action under Article II of the Juvenile

1 Court Act of 1987, and the report was made while a guardian ad
2 litem was appointed for the minor under Section 2-17 of the
3 Juvenile Court Act of 1987, then the minor shall, through the
4 minor's attorney or guardian ad litem appointed under Section
5 2-17 of the Juvenile Court Act of 1987, have the right to
6 participate and be heard in such hearing as defined under the
7 Department's rules. In such hearings, the burden of proving the
8 accuracy and consistency of the record shall be on the
9 Department and the appropriate Child Protective Service Unit.
10 The hearing shall be conducted by the Director or his designee,
11 who is hereby authorized and empowered to order the amendment
12 or removal of the record to make it accurate and consistent
13 with this Act. The decision shall be made, in writing, at the
14 close of the hearing, or within 60 days thereof, and shall
15 state the reasons upon which it is based. Decisions of the
16 Department under this Section are administrative decisions
17 subject to judicial review under the Administrative Review Law.

18 Should the Department grant the request of the perpetrator
19 pursuant to this Section either on administrative review or
20 after an administrative hearing to amend an indicated report to
21 an unfounded report, the report shall be released and expunged
22 in accordance with the standards set forth in Section 7.14 of
23 this Act.

24 (Source: P.A. 98-453, eff. 8-16-13; 98-487, eff. 1-1-14;
25 revised 10-1-13.)

1 Section 555. The Early Intervention Services System Act is
2 amended by changing Section 5 as follows:

3 (325 ILCS 20/5) (from Ch. 23, par. 4155)

4 Sec. 5. Lead Agency. The Department of Human Services is
5 designated the lead agency and shall provide leadership in
6 establishing and implementing the coordinated, comprehensive,
7 interagency and interdisciplinary system of early intervention
8 services. The lead agency shall not have the sole
9 responsibility for providing these services. Each
10 participating State agency shall continue to coordinate those
11 early intervention services relating to health, social service
12 and education provided under this authority.

13 The lead agency is responsible for carrying out the
14 following:

15 (a) The general administration, supervision, and
16 monitoring of programs and activities receiving assistance
17 under Section 673 of the Individuals with Disabilities
18 Education Act (20 United States Code 1473).

19 (b) The identification and coordination of all
20 available resources within the State from federal, State,
21 local and private sources.

22 (c) The development of procedures to ensure that
23 services are provided to eligible infants and toddlers and
24 their families in a timely manner pending the resolution of
25 any disputes among public agencies or service providers.

1 (d) The resolution of intra-agency and interagency
2 regulatory and procedural disputes.

3 (e) The development and implementation of formal
4 interagency agreements, and the entry into such
5 agreements, between the lead agency and (i) the Department
6 of Healthcare and Family Services, (ii) the University of
7 Illinois Division of Specialized Care for Children, and
8 (iii) other relevant State agencies that:

9 (1) define the financial responsibility of each
10 agency for paying for early intervention services
11 (consistent with existing State and federal law and
12 rules, including the requirement that early
13 intervention funds be used as the payor of last
14 resort), a hierarchical order of payment as among the
15 agencies for early intervention services that are
16 covered under or may be paid by programs in other
17 agencies, and procedures for direct billing,
18 collecting reimbursements for payments made, and
19 resolving service and payment disputes; and

20 (2) include all additional components necessary to
21 ensure meaningful cooperation and coordination.

22 Interagency agreements under this paragraph (e) must
23 be reviewed and revised to implement the purposes of this
24 amendatory Act of the 92nd General Assembly no later than
25 60 days after the effective date of this amendatory Act of
26 the 92nd General Assembly.

1 (f) The maintenance of an early intervention website.
2 Within 30 days after the effective date of this amendatory
3 Act of the 92nd General Assembly, the lead agency shall
4 post and keep posted on this website the following: (i) the
5 current annual report required under subdivision (b) (5) of
6 Section 4 of this Act, and the annual reports of the prior
7 3 years, (ii) the most recent Illinois application for
8 funds prepared under Section 637 of the Individuals with
9 Disabilities Education Act filed with the United States
10 Department of Education, (iii) proposed modifications of
11 the application prepared for public comment, (iv) notice of
12 Council meetings, Council agendas, and minutes of its
13 proceedings for at least the previous year, (v) proposed
14 and final early intervention rules, (vi) requests for
15 proposals, and (vii) all reports created for dissemination
16 to the public that are related to the early intervention
17 program, including reports prepared at the request of the
18 Council⁷ and the General Assembly. Each such document shall
19 be posted on the website within 3 working days after the
20 document's completion.

21 (g) Before adopting any new policy or procedure
22 (including any revisions to an existing policy or
23 procedure) needed to comply with Part C of the Individuals
24 with Disabilities Education Act, the lead agency must hold
25 public hearings on the new policy or procedure, provide
26 notice of the hearings at least 30 days before the hearings

1 are conducted to enable public participation, and provide
2 an opportunity for the general public, including
3 individuals with disabilities and parents of infants and
4 toddlers with disabilities, early intervention providers,
5 and members of the Council to comment for at least 30 days
6 on the new policy or procedure needed to comply with Part C
7 of the Individuals with Disabilities Education Act and with
8 34 CFR Part 300 and Part 303.

9 (Source: P.A. 98-41, eff. 6-28-13; revised 11-12-13.)

10 Section 560. The Mental Health and Developmental
11 Disabilities Code is amended by changing Section 2-107.1 as
12 follows:

13 (405 ILCS 5/2-107.1) (from Ch. 91 1/2, par. 2-107.1)

14 Sec. 2-107.1. Administration of psychotropic medication
15 and electroconvulsive therapy upon application to a court.

16 (a) (Blank).

17 (a-5) Notwithstanding the provisions of Section 2-107 of
18 this Code, psychotropic medication and electroconvulsive
19 therapy may be administered to an adult recipient of services
20 on an inpatient or outpatient basis without the informed
21 consent of the recipient under the following standards:

22 (1) Any person 18 years of age or older, including any
23 guardian, may petition the circuit court for an order
24 authorizing the administration of psychotropic medication

1 and electroconvulsive therapy to a recipient of services.
2 The petition shall state that the petitioner has made a
3 good faith attempt to determine whether the recipient has
4 executed a power of attorney for health care under the
5 Powers of Attorney for Health Care Law or a declaration for
6 mental health treatment under the Mental Health Treatment
7 Preference Declaration Act and to obtain copies of these
8 instruments if they exist. If either of the above-named
9 instruments is available to the petitioner, the instrument
10 or a copy of the instrument shall be attached to the
11 petition as an exhibit. The petitioner shall deliver a copy
12 of the petition, and notice of the time and place of the
13 hearing, to the respondent, his or her attorney, any known
14 agent or attorney-in-fact, if any, and the guardian, if
15 any, no later than 3 days prior to the date of the hearing.
16 Service of the petition and notice of the time and place of
17 the hearing may be made by transmitting them via facsimile
18 machine to the respondent or other party. Upon receipt of
19 the petition and notice, the party served, or the person
20 delivering the petition and notice to the party served,
21 shall acknowledge service. If the party sending the
22 petition and notice does not receive acknowledgement of
23 service within 24 hours, service must be made by personal
24 service.

25 The petition may include a request that the court
26 authorize such testing and procedures as may be essential

1 for the safe and effective administration of the
2 psychotropic medication or electroconvulsive therapy
3 sought to be administered, but only where the petition sets
4 forth the specific testing and procedures sought to be
5 administered.

6 If a hearing is requested to be held immediately
7 following the hearing on a petition for involuntary
8 admission, then the notice requirement shall be the same as
9 that for the hearing on the petition for involuntary
10 admission, and the petition filed pursuant to this Section
11 shall be filed with the petition for involuntary admission.

12 (2) The court shall hold a hearing within 7 days of the
13 filing of the petition. The People, the petitioner, or the
14 respondent shall be entitled to a continuance of up to 7
15 days as of right. An additional continuance of not more
16 than 7 days may be granted to any party (i) upon a showing
17 that the continuance is needed in order to adequately
18 prepare for or present evidence in a hearing under this
19 Section or (ii) under exceptional circumstances. The court
20 may grant an additional continuance not to exceed 21 days
21 when, in its discretion, the court determines that such a
22 continuance is necessary in order to provide the recipient
23 with an examination pursuant to Section 3-803 or 3-804 of
24 this Act, to provide the recipient with a trial by jury as
25 provided in Section 3-802 of this Act, or to arrange for
26 the substitution of counsel as provided for by the Illinois

1 Supreme Court Rules. The hearing shall be separate from a
2 judicial proceeding held to determine whether a person is
3 subject to involuntary admission but may be heard
4 immediately preceding or following such a judicial
5 proceeding and may be heard by the same trier of fact or
6 law as in that judicial proceeding.

7 (3) Unless otherwise provided herein, the procedures
8 set forth in Article VIII of Chapter III ~~3~~ of this Act,
9 including the provisions regarding appointment of counsel,
10 shall govern hearings held under this subsection (a-5).

11 (4) Psychotropic medication and electroconvulsive
12 therapy may be administered to the recipient if and only if
13 it has been determined by clear and convincing evidence
14 that all of the following factors are present. In
15 determining whether a person meets the criteria specified
16 in the following paragraphs (A) through (G), the court may
17 consider evidence of the person's history of serious
18 violence, repeated past pattern of specific behavior,
19 actions related to the person's illness, or past outcomes
20 of various treatment options.

21 (A) That the recipient has a serious mental illness
22 or developmental disability.

23 (B) That because of said mental illness or
24 developmental disability, the recipient currently
25 exhibits any one of the following: (i) deterioration of
26 his or her ability to function, as compared to the

1 recipient's ability to function prior to the current
2 onset of symptoms of the mental illness or disability
3 for which treatment is presently sought, (ii)
4 suffering, or (iii) threatening behavior.

5 (C) That the illness or disability has existed for
6 a period marked by the continuing presence of the
7 symptoms set forth in item (B) of this subdivision (4)
8 or the repeated episodic occurrence of these symptoms.

9 (D) That the benefits of the treatment outweigh the
10 harm.

11 (E) That the recipient lacks the capacity to make a
12 reasoned decision about the treatment.

13 (F) That other less restrictive services have been
14 explored and found inappropriate.

15 (G) If the petition seeks authorization for
16 testing and other procedures, that such testing and
17 procedures are essential for the safe and effective
18 administration of the treatment.

19 (5) In no event shall an order issued under this
20 Section be effective for more than 90 days. A second 90-day
21 period of involuntary treatment may be authorized pursuant
22 to a hearing that complies with the standards and
23 procedures of this subsection (a-5). Thereafter,
24 additional 180-day periods of involuntary treatment may be
25 authorized pursuant to the standards and procedures of this
26 Section without limit. If a new petition to authorize the

1 administration of psychotropic medication or
2 electroconvulsive therapy is filed at least 15 days prior
3 to the expiration of the prior order, and if any
4 continuance of the hearing is agreed to by the recipient,
5 the administration of the treatment may continue in
6 accordance with the prior order pending the completion of a
7 hearing under this Section.

8 (6) An order issued under this subsection (a-5) shall
9 designate the persons authorized to administer the
10 treatment under the standards and procedures of this
11 subsection (a-5). Those persons shall have complete
12 discretion not to administer any treatment authorized
13 under this Section. The order shall also specify the
14 medications and the anticipated range of dosages that have
15 been authorized and may include a list of any alternative
16 medications and range of dosages deemed necessary.

17 (a-10) The court may, in its discretion, appoint a guardian
18 ad litem for a recipient before the court or authorize an
19 existing guardian of the person to monitor treatment and
20 compliance with court orders under this Section.

21 (b) A guardian may be authorized to consent to the
22 administration of psychotropic medication or electroconvulsive
23 therapy to an objecting recipient only under the standards and
24 procedures of subsection (a-5).

25 (c) Notwithstanding any other provision of this Section, a
26 guardian may consent to the administration of psychotropic

1 medication or electroconvulsive therapy to a non-objecting
2 recipient under Article XIa of the Probate Act of 1975.

3 (d) Nothing in this Section shall prevent the
4 administration of psychotropic medication or electroconvulsive
5 therapy to recipients in an emergency under Section 2-107 of
6 this Act.

7 (e) Notwithstanding any of the provisions of this Section,
8 psychotropic medication or electroconvulsive therapy may be
9 administered pursuant to a power of attorney for health care
10 under the Powers of Attorney for Health Care Law or a
11 declaration for mental health treatment under the Mental Health
12 Treatment Preference Declaration Act.

13 (f) The Department shall conduct annual trainings for
14 physicians and registered nurses working in State-operated
15 mental health facilities on the appropriate use of psychotropic
16 medication and electroconvulsive therapy, standards for their
17 use, and the preparation of court petitions under this Section.
18 (Source: P.A. 97-375, eff. 8-15-11; revised 9-11-13.)

19 Section 565. The Developmental Disability and Mental
20 Disability Services Act is amended by changing Section 2-5 as
21 follows:

22 (405 ILCS 80/2-5) (from Ch. 91 1/2, par. 1802-5)

23 Sec. 2-5. The Department shall establish eligibility
24 standards for the Program, taking into consideration the

1 disability levels and service needs of the target population.
2 The Department shall create application forms which shall be
3 used to determine the eligibility of mentally disabled adults
4 to participate in the Program. The forms shall be made
5 available by the Department and shall require at least the
6 following items of information which constitute eligibility
7 criteria for participation in the Program:

8 (a) A statement that the mentally disabled adult
9 resides in the State of Illinois and is over the age of 18
10 years.

11 (b) Verification that the mentally disabled adult has
12 one of the following conditions: severe autism, severe
13 mental illness, a severe or profound intellectual
14 disability, or severe and multiple impairments.

15 (c) Verification that the mentally disabled adult has
16 applied and is eligible for federal Supplemental Security
17 Income or federal Social Security Disability Income
18 benefits.

19 (d) Verification that the mentally disabled adult
20 resides full-time in his or her own home or that, within 2
21 months of receipt of services under this Article, he or she
22 will reside full-time in his or her own home.

23 The Department may by rule adopt provisions establishing
24 liability of responsible relatives of a recipient of services
25 under this Article for the payment of sums representing charges
26 for services to such recipient. Such rules shall be

1 substantially similar to the provisions for such liability
2 contained in Chapter V ~~5~~ of the Mental Health and Developmental
3 Disabilities Code, as now or hereafter amended, and rules
4 adopted pursuant thereto.

5 (Source: P.A. 97-227, eff. 1-1-12; revised 9-11-13.)

6 Section 570. The Illinois Mental Health First Aid Training
7 Act is amended by changing Section 30 as follows:

8 (405 ILCS 105/30)

9 Sec. 30. Distribution of training grants. When awarding
10 training grants under this Act, the Department or other
11 appropriate State agency shall distribute training grants
12 equitably among the geographical regions of the State, paying
13 particular attention to the training needs of rural areas and
14 areas with underserved populations or professional shortages.

15 (Source: P.A. 98-195, eff. 8-7-13; revised 11-12-13.)

16 Section 575. The Mercury-added Product Prohibition Act is
17 amended by changing Section 25 as follows:

18 (410 ILCS 46/25)

19 Sec. 25. Sale, distribution, or promotional gifts of
20 mercury-added novelty products prohibited. On and after July
21 1, 2004, no mercury-added novelty products may be offered for
22 sale or distributed for promotional purposes in Illinois if the

1 offeror ~~offerer~~ or distributor knows or has reason to know that
2 the product contains mercury, unless the mercury is solely
3 within a button-cell battery or a fluorescent light bulb.
4 (Source: P.A. 93-165, eff. 1-1-04; revised 9-11-13.)

5 Section 580. The Newborn Metabolic Screening Act is amended
6 by changing Section 2 as follows:

7 (410 ILCS 240/2) (from Ch. 111 1/2, par. 4904)

8 Sec. 2. General provisions. The Department of Public Health
9 shall administer the provisions of this Act and shall:

10 (a) Institute and carry on an intensive educational program
11 among physicians, hospitals, public health nurses and the
12 public concerning disorders included in newborn screening.
13 This educational program shall include information about the
14 nature of the diseases and examinations for the detection of
15 the diseases in early infancy in order that measures may be
16 taken to prevent the disabilities resulting from the diseases.

17 (a-5) Require that all newborns be screened for the
18 presence of certain genetic, metabolic, and congenital
19 anomalies as determined by the Department, by rule.

20 (a-5.1) Require that all blood and biological specimens
21 collected pursuant to this Act or the rules adopted under this
22 Act be submitted for testing to the nearest Department
23 laboratory designated to perform such tests. The following
24 provisions shall apply concerning testing:

1 (1) The Department may develop a reasonable fee
2 structure and may levy fees according to such structure to
3 cover the cost of providing this testing service and for
4 the follow-up of infants with an abnormal screening test.
5 Fees collected from the provision of this testing service
6 shall be placed in the Metabolic Screening and Treatment
7 Fund. Other State and federal funds for expenses related to
8 metabolic screening, follow-up, and treatment programs may
9 also be placed in the Fund.

10 (2) Moneys shall be appropriated from the Fund to the
11 Department solely for the purposes of providing newborn
12 screening, follow-up, and treatment programs. Nothing in
13 this Act shall be construed to prohibit any licensed
14 medical facility from collecting additional specimens for
15 testing for metabolic or neonatal diseases or any other
16 diseases or conditions, as it deems fit. Any person
17 violating the provisions of this subsection (a-5.1) is
18 guilty of a petty offense.

19 (3) If the Department is unable to provide the
20 screening using the State Laboratory, it shall temporarily
21 provide such screening through an accredited laboratory
22 selected by the Department until the Department has the
23 capacity to provide screening through the State
24 Laboratory. If screening is provided on a temporary basis
25 through an accredited laboratory, the Department shall
26 substitute the fee charged by the accredited laboratory,

1 plus a 5% surcharge for documentation and handling, for the
2 fee authorized in this subsection (a-5.1).

3 (a-5.2) Maintain a registry of cases, including
4 information of importance for the purpose of follow-up services
5 to assess long-term outcomes.

6 (a-5.3) Supply the necessary metabolic treatment formulas
7 where practicable for diagnosed cases of amino acid metabolism
8 disorders, including phenylketonuria, organic acid disorders,
9 and fatty acid oxidation disorders for as long as medically
10 indicated, when the product is not available through other
11 State agencies.

12 (a-5.4) Arrange for or provide public health nursing,
13 nutrition, and social services and clinical consultation as
14 indicated.

15 (a-5.5) Utilize ~~The Department shall utilize~~ the Genetic
16 and Metabolic Diseases Advisory Committee established under
17 the Genetic and Metabolic Diseases Advisory Committee Act to
18 provide guidance and recommendations to the Department's
19 newborn screening program. The Genetic and Metabolic Diseases
20 Advisory Committee shall review the feasibility and
21 advisability of including additional metabolic, genetic, and
22 congenital disorders in the newborn screening panel, according
23 to a review protocol applied to each suggested addition to the
24 screening panel. The Department shall consider the
25 recommendations of the Genetic and Metabolic Diseases Advisory
26 Committee in determining whether to include an additional

1 disorder in the screening panel prior to proposing an
2 administrative rule concerning inclusion of an additional
3 disorder in the newborn screening panel. Notwithstanding any
4 other provision of law, no new screening may begin prior to the
5 occurrence of all the following:

6 (1) the establishment and verification of relevant and
7 appropriate performance specifications as defined under
8 the federal Clinical Laboratory Improvement Amendments and
9 regulations thereunder for U.S. Food and Drug
10 Administration-cleared or in-house developed methods,
11 performed under an institutional review board-approved
12 protocol, if required;

13 (2) the availability of quality assurance testing
14 methodology for the processes set forth in item (1) of this
15 subsection (a-5.5);

16 (3) the acquisition and installment by the Department
17 of the equipment necessary to implement the screening
18 tests;

19 (4) the establishment of precise threshold values
20 ensuring defined disorder identification for each
21 screening test;

22 (5) the authentication of pilot testing achieving each
23 milestone described in items (1) through (4) of this
24 subsection (a-5.5) for each disorder screening test; and

25 (6) the authentication of achieving the potential of
26 high throughput standards for statewide volume of each

1 disorder screening test concomitant with each milestone
2 described in items (1) through (4) of this subsection
3 (a-5.5).

4 (a-6) (Blank).

5 (a-7) (Blank).

6 (a-8) (Blank).

7 (b) (Blank).

8 (c) (Blank).

9 (d) (Blank).

10 (e) (Blank).

11 (Source: P.A. 97-227, eff. 1-1-12; 97-532, eff. 8-23-11;
12 97-813, eff. 7-13-12; 98-440, eff. 8-16-13; revised 11-15-13.)

13 Section 585. The Illinois Sexually Transmissible Disease
14 Control Act is amended by changing Section 5.5 as follows:

15 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

16 Sec. 5.5. Risk assessment.

17 (a) Whenever the Department receives a report of HIV
18 infection or AIDS pursuant to this Act and the Department
19 determines that the subject of the report may present or may
20 have presented a possible risk of HIV transmission, the
21 Department shall, when medically appropriate, investigate the
22 subject of the report and that person's contacts as defined in
23 subsection (c), to assess the potential risks of transmission.
24 Any investigation and action shall be conducted in a timely

1 fashion. All contacts other than those defined in subsection
2 (c) shall be investigated in accordance with Section 5 of this
3 Act.

4 (b) If the Department determines that there is or may have
5 been potential risks of HIV transmission from the subject of
6 the report to other persons, the Department shall afford the
7 subject the opportunity to submit any information and comment
8 on proposed actions the Department intends to take with respect
9 to the subject's contacts who are at potential risk of
10 transmission of HIV prior to notification of the subject's
11 contacts. The Department shall also afford the subject of the
12 report the opportunity to notify the subject's contacts in a
13 timely fashion who are at potential risk of transmission of HIV
14 prior to the Department taking any steps to notify such
15 contacts. If the subject declines to notify such contacts or if
16 the Department determines the notices to be inadequate or
17 incomplete, the Department shall endeavor to notify such other
18 persons of the potential risk, and offer testing and counseling
19 services to these individuals. When the contacts are notified,
20 they shall be informed of the disclosure provisions of the AIDS
21 Confidentiality Act and the penalties therein and this Section.

22 (c) Contacts investigated under this Section shall in the
23 case of HIV infection include (i) individuals who have
24 undergone invasive procedures performed by an HIV infected
25 health care provider and (ii) health care providers who have
26 performed invasive procedures for persons infected with HIV,

1 provided the Department has determined that there is or may
2 have been potential risk of HIV transmission from the health
3 care provider to those individuals or from infected persons to
4 health care providers. The Department shall have access to the
5 subject's records to review for the identity of contacts. The
6 subject's records shall not be copied or seized by the
7 Department.

8 For purposes of this subsection, the term "invasive
9 procedures" means those procedures termed invasive by the
10 Centers for Disease Control in current guidelines or
11 recommendations for the prevention of HIV transmission in
12 health care settings, and the term "health care provider" means
13 any physician, dentist, podiatric physician, advanced practice
14 nurse, physician assistant, nurse, or other person providing
15 health care services of any kind.

16 (d) All information and records held by the Department and
17 local health authorities pertaining to activities conducted
18 pursuant to this Section shall be strictly confidential and
19 exempt from copying and inspection under the Freedom of
20 Information Act. Such information and records shall not be
21 released or made public by the Department or local health
22 authorities, and shall not be admissible as evidence, nor
23 discoverable in any action of any kind in any court or before
24 any tribunal, board, agency or person and shall be treated in
25 the same manner as the information and those records subject to
26 the provisions of Part 21 of the Code of Civil Procedure except

1 under the following circumstances:

2 (1) When made with the written consent of all persons
3 to whom this information pertains;

4 (2) When authorized under Section 8 to be released
5 under court order or subpoena pursuant to Section 12-5.01
6 or 12-16.2 of the Criminal Code of 1961 or the Criminal
7 Code of 2012; or

8 (3) When made by the Department for the purpose of
9 seeking a warrant authorized by Sections 6 and 7 of this
10 Act. Such disclosure shall conform to the requirements of
11 subsection (a) of Section 8 of this Act.

12 (e) Any person who knowingly or maliciously disseminates
13 any information or report concerning the existence of any
14 disease under this Section is guilty of a Class A misdemeanor.

15 (Source: P.A. 97-1150, eff. 1-25-13; 98-214, eff. 8-9-13;
16 revised 9-19-13.)

17 Section 590. The Environmental Protection Act is amended by
18 changing Sections 3.330, 21, 22.2, and 58.16 as follows:

19 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

20 Sec. 3.330. Pollution control facility.

21 (a) "Pollution control facility" is any waste storage site,
22 sanitary landfill, waste disposal site, waste transfer
23 station, waste treatment facility, or waste incinerator. This
24 includes sewers, sewage treatment plants, and any other

1 facilities owned or operated by sanitary districts organized
2 under the Metropolitan Water Reclamation District Act.

3 The following are not pollution control facilities:

4 (1) (blank);

5 (2) waste storage sites regulated under 40 CFR, Part
6 761.42;

7 (3) sites or facilities used by any person conducting a
8 waste storage, waste treatment, waste disposal, waste
9 transfer or waste incineration operation, or a combination
10 thereof, for wastes generated by such person's own
11 activities, when such wastes are stored, treated, disposed
12 of, transferred or incinerated within the site or facility
13 owned, controlled or operated by such person, or when such
14 wastes are transported within or between sites or
15 facilities owned, controlled or operated by such person;

16 (4) sites or facilities at which the State is
17 performing removal or remedial action pursuant to Section
18 22.2 or 55.3;

19 (5) abandoned quarries used solely for the disposal of
20 concrete, earth materials, gravel, or aggregate debris
21 resulting from road construction activities conducted by a
22 unit of government or construction activities due to the
23 construction and installation of underground pipes, lines,
24 conduit or wires off of the premises of a public utility
25 company which are conducted by a public utility;

26 (6) sites or facilities used by any person to

1 specifically conduct a landscape composting operation;

2 (7) regional facilities as defined in the Central
3 Midwest Interstate Low-Level Radioactive Waste Compact;

4 (8) the portion of a site or facility where coal
5 combustion wastes are stored or disposed of in accordance
6 with subdivision (r) (2) or (r) (3) of Section 21;

7 (9) the portion of a site or facility used for the
8 collection, storage or processing of waste tires as defined
9 in Title XIV;

10 (10) the portion of a site or facility used for
11 treatment of petroleum contaminated materials by
12 application onto or incorporation into the soil surface and
13 any portion of that site or facility used for storage of
14 petroleum contaminated materials before treatment. Only
15 those categories of petroleum listed in Section 57.9(a) (3)
16 are exempt under this subdivision (10);

17 (11) the portion of a site or facility where used oil
18 is collected or stored prior to shipment to a recycling or
19 energy recovery facility, provided that the used oil is
20 generated by households or commercial establishments, and
21 the site or facility is a recycling center or a business
22 where oil or gasoline is sold at retail;

23 (11.5) processing sites or facilities that receive
24 only on-specification used oil, as defined in 35 Ill.
25 Admin. Code 739, originating from used oil collectors for
26 processing that is managed under 35 Ill. Admin. Code 739 to

1 produce products for sale to off-site petroleum
2 facilities, if these processing sites or facilities are:
3 (i) located within a home rule unit of local government
4 with a population of at least 30,000 according to the 2000
5 federal census, that home rule unit of local government has
6 been designated as an Urban Round II Empowerment Zone by
7 the United States Department of Housing and Urban
8 Development, and that home rule unit of local government
9 has enacted an ordinance approving the location of the site
10 or facility and provided funding for the site or facility;
11 and (ii) in compliance with all applicable zoning
12 requirements;

13 (12) the portion of a site or facility utilizing coal
14 combustion waste for stabilization and treatment of only
15 waste generated on that site or facility when used in
16 connection with response actions pursuant to the federal
17 Comprehensive Environmental Response, Compensation, and
18 Liability Act of 1980, the federal Resource Conservation
19 and Recovery Act of 1976, or the Illinois Environmental
20 Protection Act or as authorized by the Agency;

21 (13) the portion of a site or facility that (i) accepts
22 exclusively general construction or demolition debris,
23 (ii) is located in a county with a population over
24 3,000,000 as of January 1, 2000 or in a county that is
25 contiguous to such a county, and (iii) is operated and
26 located in accordance with Section 22.38 of this Act;

1 (14) the portion of a site or facility, located within
2 a unit of local government that has enacted local zoning
3 requirements, used to accept, separate, and process
4 uncontaminated broken concrete, with or without protruding
5 metal bars, provided that the uncontaminated broken
6 concrete and metal bars are not speculatively accumulated,
7 are at the site or facility no longer than one year after
8 their acceptance, and are returned to the economic
9 mainstream in the form of raw materials or products;

10 (15) the portion of a site or facility located in a
11 county with a population over 3,000,000 that has obtained
12 local siting approval under Section 39.2 of this Act for a
13 municipal waste incinerator on or before July 1, 2005 and
14 that is used for a non-hazardous waste transfer station;

15 (16) a site or facility that temporarily holds in
16 transit for 10 days or less, non-putrescible solid waste in
17 original containers, no larger in capacity than 500
18 gallons, provided that such waste is further transferred to
19 a recycling, disposal, treatment, or storage facility on a
20 non-contiguous site and provided such site or facility
21 complies with the applicable 10-day transfer requirements
22 of the federal Resource Conservation and Recovery Act of
23 1976 and United States Department of Transportation
24 hazardous material requirements. For purposes of this
25 Section only, "non-putrescible solid waste" means waste
26 other than municipal garbage that does not rot or become

1 putrid, including, but not limited to, paints, solvent,
2 filters, and absorbents;

3 (17) the portion of a site or facility located in a
4 county with a population greater than 3,000,000 that has
5 obtained local siting approval, under Section 39.2 of this
6 Act, for a municipal waste incinerator on or before July 1,
7 2005 and that is used for wood combustion facilities for
8 energy recovery that accept and burn only wood material, as
9 included in a fuel specification approved by the Agency;

10 (18) a transfer station used exclusively for landscape
11 waste, including a transfer station where landscape waste
12 is ground to reduce its volume, where the landscape waste
13 is held no longer than 24 hours from the time it was
14 received;

15 (19) the portion of a site or facility that (i) is used
16 for the composting of food scrap, livestock waste, crop
17 residue, uncontaminated wood waste, or paper waste,
18 including, but not limited to, corrugated paper or
19 cardboard, and (ii) meets all of the following
20 requirements:

21 (A) There must not be more than a total of 30,000
22 cubic yards of livestock waste in raw form or in the
23 process of being composted at the site or facility at
24 any one time.

25 (B) All food scrap, livestock waste, crop residue,
26 uncontaminated wood waste, and paper waste must, by the

1 end of each operating day, be processed and placed into
2 an enclosed vessel in which air flow and temperature
3 are controlled, or all of the following additional
4 requirements must be met:

5 (i) The portion of the site or facility used
6 for the composting operation must include a
7 setback of at least 200 feet from the nearest
8 potable water supply well.

9 (ii) The portion of the site or facility used
10 for the composting operation must be located
11 outside the boundary of the 10-year floodplain or
12 floodproofed.

13 (iii) Except in municipalities with more than
14 1,000,000 inhabitants, the portion of the site or
15 facility used for the composting operation must be
16 located at least one-eighth of a mile from the
17 nearest residence, other than a residence located
18 on the same property as the site or facility.

19 (iv) The portion of the site or facility used
20 for the composting operation must be located at
21 least one-eighth of a mile from the property line
22 of all of the following areas:

23 (I) Facilities that primarily serve to
24 house or treat people that are
25 immunocompromised or immunosuppressed, such as
26 cancer or AIDS patients; people with asthma,

1 cystic fibrosis, or bioaerosol allergies; or
2 children under the age of one year.

3 (II) Primary and secondary schools and
4 adjacent areas that the schools use for
5 recreation.

6 (III) Any facility for child care licensed
7 under Section 3 of the Child Care Act of 1969;
8 preschools; and adjacent areas that the
9 facilities or preschools use for recreation.

10 (v) By the end of each operating day, all food
11 scrap, livestock waste, crop residue,
12 uncontaminated wood waste, and paper waste must be
13 (i) processed into windrows or other piles and (ii)
14 covered in a manner that prevents scavenging by
15 birds and animals and that prevents other
16 nuisances.

17 (C) Food scrap, livestock waste, crop residue,
18 uncontaminated wood waste, paper waste, and compost
19 must not be placed within 5 feet of the water table.

20 (D) The site or facility must meet all of the
21 requirements of the Wild and Scenic Rivers Act (16
22 U.S.C. 1271 et seq.).

23 (E) The site or facility must not (i) restrict the
24 flow of a 100-year flood, (ii) result in washout of
25 food scrap, livestock waste, crop residue,
26 uncontaminated wood waste, or paper waste from a

1 100-year flood, or (iii) reduce the temporary water
2 storage capacity of the 100-year floodplain, unless
3 measures are undertaken to provide alternative storage
4 capacity, such as by providing lagoons, holding tanks,
5 or drainage around structures at the facility.

6 (F) The site or facility must not be located in any
7 area where it may pose a threat of harm or destruction
8 to the features for which:

9 (i) an irreplaceable historic or
10 archaeological site has been listed under the
11 National Historic Preservation Act (16 U.S.C. 470
12 et seq.) or the Illinois Historic Preservation
13 Act;

14 (ii) a natural landmark has been designated by
15 the National Park Service or the Illinois State
16 Historic Preservation Office; or

17 (iii) a natural area has been designated as a
18 Dedicated Illinois Nature Preserve under the
19 Illinois Natural Areas Preservation Act.

20 (G) The site or facility must not be located in an
21 area where it may jeopardize the continued existence of
22 any designated endangered species, result in the
23 destruction or adverse modification of the critical
24 habitat for such species, or cause or contribute to the
25 taking of any endangered or threatened species of
26 plant, fish, or wildlife listed under the Endangered

1 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
2 Endangered Species Protection Act;

3 (20) the portion of a site or facility that is located
4 entirely within a home rule unit having a population of no
5 less than 120,000 and no more than 135,000, according to
6 the 2000 federal census, and that meets all of the
7 following requirements:

8 (i) the portion of the site or facility is used
9 exclusively to perform testing of a thermochemical
10 conversion technology using only woody biomass,
11 collected as landscape waste within the boundaries
12 of the home rule unit, as the hydrocarbon feedstock
13 for the production of synthetic gas in accordance
14 with Section 39.9 of this Act;

15 (ii) the portion of the site or facility is in
16 compliance with all applicable zoning
17 requirements; and

18 (iii) a complete application for a
19 demonstration permit at the portion of the site or
20 facility has been submitted to the Agency in
21 accordance with Section 39.9 of this Act within one
22 year after July 27, 2010 (the effective date of
23 Public Act 96-1314);

24 (21) the portion of a site or facility used to perform
25 limited testing of a gasification conversion technology in
26 accordance with Section 39.8 of this Act and for which a

1 complete permit application has been submitted to the
2 Agency prior to one year from April 9, 2010 (the effective
3 date of Public Act 96-887);

4 (22) the portion of a site or facility that is used to
5 incinerate only pharmaceuticals from residential sources
6 that are collected and transported by law enforcement
7 agencies under Section 17.9A of this Act; and

8 (23) until July 1, 2017, the portion of a site or
9 facility:

10 (A) that is used exclusively for the transfer of
11 commingled landscape waste and food scrap held at the
12 site or facility for no longer than 24 hours after
13 their receipt;

14 (B) that is located entirely within a home rule
15 unit having a population of either (i) not less than
16 100,000 and not more than 115,000 according to the 2010
17 federal census or (ii) not less than 5,000 and not more
18 than 10,000 according to the 2010 federal census;

19 (C) that is permitted, by the Agency, prior to
20 January 1, 2002, for the transfer of landscape waste;
21 and

22 (D) for which a permit application is submitted to
23 the Agency within 6 months after January 1, 2014 (the
24 effective date of Public Act 98-146) ~~this amendatory~~
25 ~~Act of the 98th General Assembly~~ to modify an existing
26 permit for the transfer of landscape waste to also

1 include, on a demonstration basis not to exceed 18
2 months, the transfer of commingled landscape waste and
3 food scrap.

4 (b) A new pollution control facility is:

5 (1) a pollution control facility initially permitted
6 for development or construction after July 1, 1981; or

7 (2) the area of expansion beyond the boundary of a
8 currently permitted pollution control facility; or

9 (3) a permitted pollution control facility requesting
10 approval to store, dispose of, transfer or incinerate, for
11 the first time, any special or hazardous waste.

12 (Source: P.A. 97-333, eff. 8-12-11; 97-545, eff. 1-1-12;
13 98-146, eff. 1-1-14; 98-239, eff. 8-9-13; revised 9-19-13.)

14 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

15 Sec. 21. Prohibited acts. No person shall:

16 (a) Cause or allow the open dumping of any waste.

17 (b) Abandon, dump, or deposit any waste upon the public
18 highways or other public property, except in a sanitary
19 landfill approved by the Agency pursuant to regulations adopted
20 by the Board.

21 (c) Abandon any vehicle in violation of the "Abandoned
22 Vehicles Amendment to the Illinois Vehicle Code", as enacted by
23 the 76th General Assembly.

24 (d) Conduct any waste-storage, waste-treatment, or
25 waste-disposal operation:

1 (1) without a permit granted by the Agency or in
2 violation of any conditions imposed by such permit,
3 including periodic reports and full access to adequate
4 records and the inspection of facilities, as may be
5 necessary to assure compliance with this Act and with
6 regulations and standards adopted thereunder; provided,
7 however, that, except for municipal solid waste landfill
8 units that receive waste on or after October 9, 1993, no
9 permit shall be required for (i) any person conducting a
10 waste-storage, waste-treatment, or waste-disposal
11 operation for wastes generated by such person's own
12 activities which are stored, treated, or disposed within
13 the site where such wastes are generated, or (ii) a
14 facility located in a county with a population over 700,000
15 as of January 1, 2000, operated and located in accordance
16 with Section 22.38 of this Act, and used exclusively for
17 the transfer, storage, or treatment of general
18 construction or demolition debris, provided that the
19 facility was receiving construction or demolition debris
20 on the effective date of this amendatory Act of the 96th
21 General Assembly;

22 (2) in violation of any regulations or standards
23 adopted by the Board under this Act; or

24 (3) which receives waste after August 31, 1988, does
25 not have a permit issued by the Agency, and is (i) a
26 landfill used exclusively for the disposal of waste

1 generated at the site, (ii) a surface impoundment receiving
2 special waste not listed in an NPDES permit, (iii) a waste
3 pile in which the total volume of waste is greater than 100
4 cubic yards or the waste is stored for over one year, or
5 (iv) a land treatment facility receiving special waste
6 generated at the site; without giving notice of the
7 operation to the Agency by January 1, 1989, or 30 days
8 after the date on which the operation commences, whichever
9 is later, and every 3 years thereafter. The form for such
10 notification shall be specified by the Agency, and shall be
11 limited to information regarding: the name and address of
12 the location of the operation; the type of operation; the
13 types and amounts of waste stored, treated or disposed of
14 on an annual basis; the remaining capacity of the
15 operation; and the remaining expected life of the
16 operation.

17 Item (3) of this subsection (d) shall not apply to any
18 person engaged in agricultural activity who is disposing of a
19 substance that constitutes solid waste, if the substance was
20 acquired for use by that person on his own property, and the
21 substance is disposed of on his own property in accordance with
22 regulations or standards adopted by the Board.

23 This subsection (d) shall not apply to hazardous waste.

24 (e) Dispose, treat, store or abandon any waste, or
25 transport any waste into this State for disposal, treatment,
26 storage or abandonment, except at a site or facility which

1 meets the requirements of this Act and of regulations and
2 standards thereunder.

3 (f) Conduct any hazardous waste-storage, hazardous
4 waste-treatment or hazardous waste-disposal operation:

5 (1) without a RCRA permit for the site issued by the
6 Agency under subsection (d) of Section 39 of this Act, or
7 in violation of any condition imposed by such permit,
8 including periodic reports and full access to adequate
9 records and the inspection of facilities, as may be
10 necessary to assure compliance with this Act and with
11 regulations and standards adopted thereunder; or

12 (2) in violation of any regulations or standards
13 adopted by the Board under this Act; or

14 (3) in violation of any RCRA permit filing requirement
15 established under standards adopted by the Board under this
16 Act; or

17 (4) in violation of any order adopted by the Board
18 under this Act.

19 Notwithstanding the above, no RCRA permit shall be required
20 under this subsection or subsection (d) of Section 39 of this
21 Act for any person engaged in agricultural activity who is
22 disposing of a substance which has been identified as a
23 hazardous waste, and which has been designated by Board
24 regulations as being subject to this exception, if the
25 substance was acquired for use by that person on his own
26 property and the substance is disposed of on his own property

1 in accordance with regulations or standards adopted by the
2 Board.

3 (g) Conduct any hazardous waste-transportation operation:

4 (1) without registering with and obtaining a special
5 waste hauling permit from the Agency in accordance with the
6 regulations adopted by the Board under this Act; or

7 (2) in violation of any regulations or standards
8 adopted by the Board under this Act.

9 (h) Conduct any hazardous waste-recycling or hazardous
10 waste-reclamation or hazardous waste-reuse operation in
11 violation of any regulations, standards or permit requirements
12 adopted by the Board under this Act.

13 (i) Conduct any process or engage in any act which produces
14 hazardous waste in violation of any regulations or standards
15 adopted by the Board under subsections (a) and (c) of Section
16 22.4 of this Act.

17 (j) Conduct any special waste transportation operation in
18 violation of any regulations, standards or permit requirements
19 adopted by the Board under this Act. However, sludge from a
20 water or sewage treatment plant owned and operated by a unit of
21 local government which (1) is subject to a sludge management
22 plan approved by the Agency or a permit granted by the Agency,
23 and (2) has been tested and determined not to be a hazardous
24 waste as required by applicable State and federal laws and
25 regulations, may be transported in this State without a special
26 waste hauling permit, and the preparation and carrying of a

1 manifest shall not be required for such sludge under the rules
2 of the Pollution Control Board. The unit of local government
3 which operates the treatment plant producing such sludge shall
4 file a semiannual report with the Agency identifying the volume
5 of such sludge transported during the reporting period, the
6 hauler of the sludge, and the disposal sites to which it was
7 transported. This subsection (j) shall not apply to hazardous
8 waste.

9 (k) Fail or refuse to pay any fee imposed under this Act.

10 (l) Locate a hazardous waste disposal site above an active
11 or inactive shaft or tunneled mine or within 2 miles of an
12 active fault in the earth's crust. In counties of population
13 less than 225,000 no hazardous waste disposal site shall be
14 located (1) within 1 1/2 miles of the corporate limits as
15 defined on June 30, 1978, of any municipality without the
16 approval of the governing body of the municipality in an
17 official action; or (2) within 1000 feet of an existing private
18 well or the existing source of a public water supply measured
19 from the boundary of the actual active permitted site and
20 excluding existing private wells on the property of the permit
21 applicant. The provisions of this subsection do not apply to
22 publicly-owned sewage works or the disposal or utilization of
23 sludge from publicly-owned sewage works.

24 (m) Transfer interest in any land which has been used as a
25 hazardous waste disposal site without written notification to
26 the Agency of the transfer and to the transferee of the

1 conditions imposed by the Agency upon its use under subsection
2 (g) of Section 39.

3 (n) Use any land which has been used as a hazardous waste
4 disposal site except in compliance with conditions imposed by
5 the Agency under subsection (g) of Section 39.

6 (o) Conduct a sanitary landfill operation which is required
7 to have a permit under subsection (d) of this Section, in a
8 manner which results in any of the following conditions:

9 (1) refuse in standing or flowing waters;

10 (2) leachate flows entering waters of the State;

11 (3) leachate flows exiting the landfill confines (as
12 determined by the boundaries established for the landfill
13 by a permit issued by the Agency);

14 (4) open burning of refuse in violation of Section 9 of
15 this Act;

16 (5) uncovered refuse remaining from any previous
17 operating day or at the conclusion of any operating day,
18 unless authorized by permit;

19 (6) failure to provide final cover within time limits
20 established by Board regulations;

21 (7) acceptance of wastes without necessary permits;

22 (8) scavenging as defined by Board regulations;

23 (9) deposition of refuse in any unpermitted portion of
24 the landfill;

25 (10) acceptance of a special waste without a required
26 manifest;

1 (11) failure to submit reports required by permits or
2 Board regulations;

3 (12) failure to collect and contain litter from the
4 site by the end of each operating day;

5 (13) failure to submit any cost estimate for the site
6 or any performance bond or other security for the site as
7 required by this Act or Board rules.

8 The prohibitions specified in this subsection (o) shall be
9 enforceable by the Agency either by administrative citation
10 under Section 31.1 of this Act or as otherwise provided by this
11 Act. The specific prohibitions in this subsection do not limit
12 the power of the Board to establish regulations or standards
13 applicable to sanitary landfills.

14 (p) In violation of subdivision (a) of this Section, cause
15 or allow the open dumping of any waste in a manner which
16 results in any of the following occurrences at the dump site:

17 (1) litter;

18 (2) scavenging;

19 (3) open burning;

20 (4) deposition of waste in standing or flowing waters;

21 (5) proliferation of disease vectors;

22 (6) standing or flowing liquid discharge from the dump
23 site;

24 (7) deposition of:

25 (i) general construction or demolition debris as
26 defined in Section 3.160(a) of this Act; or

1 (ii) clean construction or demolition debris as
2 defined in Section 3.160(b) of this Act.

3 The prohibitions specified in this subsection (p) shall be
4 enforceable by the Agency either by administrative citation
5 under Section 31.1 of this Act or as otherwise provided by this
6 Act. The specific prohibitions in this subsection do not limit
7 the power of the Board to establish regulations or standards
8 applicable to open dumping.

9 (q) Conduct a landscape waste composting operation without
10 an Agency permit, provided, however, that no permit shall be
11 required for any person:

12 (1) conducting a landscape waste composting operation
13 for landscape wastes generated by such person's own
14 activities which are stored, treated, or disposed of within
15 the site where such wastes are generated; or

16 (1.5) conducting a landscape waste composting
17 operation that (i) has no more than 25 cubic yards of
18 landscape waste, composting additives, composting
19 material, or end-product compost on-site at any one time
20 and (ii) is not engaging in commercial activity; or

21 (2) applying landscape waste or composted landscape
22 waste at agronomic rates; or

23 (2.5) operating a landscape waste composting facility
24 at a site having 10 or more occupied non-farm residences
25 within 1/2 mile of its boundaries, if the facility meets
26 all of the following criteria:

1 (A) the composting facility is operated by the
2 farmer on property on which the composting material is
3 utilized, and the composting facility constitutes no
4 more than 2% of the site's total acreage;

5 (A-5) any composting additives that the composting
6 facility accepts and uses at the facility are necessary
7 to provide proper conditions for composting and do not
8 exceed 10% of the total composting material at the
9 facility at any one time;

10 (B) the property on which the composting facility
11 is located, and any associated property on which the
12 compost is used, is principally and diligently devoted
13 to the production of agricultural crops and is not
14 owned, leased, or otherwise controlled by any waste
15 hauler or generator of nonagricultural compost
16 materials, and the operator of the composting facility
17 is not an employee, partner, shareholder, or in any way
18 connected with or controlled by any such waste hauler
19 or generator;

20 (C) all compost generated by the composting
21 facility is applied at agronomic rates and used as
22 mulch, fertilizer, or soil conditioner on land
23 actually farmed by the person operating the composting
24 facility, and the finished compost is not stored at the
25 composting site for a period longer than 18 months
26 prior to its application as mulch, fertilizer, or soil

1 conditioner;

2 (D) no fee is charged for the acceptance of
3 materials to be composted at the facility; and

4 (E) the owner or operator, by January 1, 2014 (or
5 the January 1 following commencement of operation,
6 whichever is later) and January 1 of each year
7 thereafter, registers the site with the Agency, (ii)
8 reports to the Agency on the volume of composting
9 material received and used at the site; (iii) certifies
10 to the Agency that the site complies with the
11 requirements set forth in subparagraphs (A), (A-5),
12 (B), (C), and (D) of this paragraph (2.5); and (iv)
13 certifies to the Agency that all composting material
14 was placed more than 200 feet from the nearest potable
15 water supply well, was placed outside the boundary of
16 the 10-year floodplain or on a part of the site that is
17 floodproofed, was placed at least 1/4 mile from the
18 nearest residence (other than a residence located on
19 the same property as the facility) or a lesser distance
20 from the nearest residence (other than a residence
21 located on the same property as the facility) if the
22 municipality in which the facility is located has by
23 ordinance approved a lesser distance than 1/4 mile, and
24 was placed more than 5 feet above the water table; any
25 ordinance approving a residential setback of less than
26 1/4 mile that is used to meet the requirements of this

1 subparagraph (E) of paragraph (2.5) of this subsection
2 must specifically reference this paragraph; or

3 (3) operating a landscape waste composting facility on
4 a farm, if the facility meets all of the following
5 criteria:

6 (A) the composting facility is operated by the
7 farmer on property on which the composting material is
8 utilized, and the composting facility constitutes no
9 more than 2% of the property's total acreage, except
10 that the Board may allow a higher percentage for
11 individual sites where the owner or operator has
12 demonstrated to the Board that the site's soil
13 characteristics or crop needs require a higher rate;

14 (A-1) the composting facility accepts from other
15 agricultural operations for composting with landscape
16 waste no materials other than uncontaminated and
17 source-separated (i) crop residue and other
18 agricultural plant residue generated from the
19 production and harvesting of crops and other customary
20 farm practices, including, but not limited to, stalks,
21 leaves, seed pods, husks, bagasse, and roots and (ii)
22 plant-derived animal bedding, such as straw or
23 sawdust, that is free of manure and was not made from
24 painted or treated wood;

25 (A-2) any composting additives that the composting
26 facility accepts and uses at the facility are necessary

1 to provide proper conditions for composting and do not
2 exceed 10% of the total composting material at the
3 facility at any one time;

4 (B) the property on which the composting facility
5 is located, and any associated property on which the
6 compost is used, is principally and diligently devoted
7 to the production of agricultural crops and is not
8 owned, leased or otherwise controlled by any waste
9 hauler or generator of nonagricultural compost
10 materials, and the operator of the composting facility
11 is not an employee, partner, shareholder, or in any way
12 connected with or controlled by any such waste hauler
13 or generator;

14 (C) all compost generated by the composting
15 facility is applied at agronomic rates and used as
16 mulch, fertilizer or soil conditioner on land actually
17 farmed by the person operating the composting
18 facility, and the finished compost is not stored at the
19 composting site for a period longer than 18 months
20 prior to its application as mulch, fertilizer, or soil
21 conditioner;

22 (D) the owner or operator, by January 1 of each
23 year, (i) registers the site with the Agency, (ii)
24 reports to the Agency on the volume of composting
25 material received and used at the site, (iii) certifies
26 to the Agency that the site complies with the

1 requirements set forth in subparagraphs (A), (A-1),
2 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)
3 certifies to the Agency that all composting material:

4 (I) was placed more than 200 feet from the
5 nearest potable water supply well;

6 (II) was placed outside the boundary of the
7 10-year floodplain or on a part of the site that is
8 floodproofed;

9 (III) was placed either (aa) at least 1/4 mile
10 from the nearest residence (other than a residence
11 located on the same property as the facility) and
12 there are not more than 10 occupied non-farm
13 residences within 1/2 mile of the boundaries of the
14 site on the date of application or (bb) a lesser
15 distance from the nearest residence (other than a
16 residence located on the same property as the
17 facility) provided that the municipality or county
18 in which the facility is located has by ordinance
19 approved a lesser distance than 1/4 mile and there
20 are not more than 10 occupied non-farm residences
21 within 1/2 mile of the boundaries of the site on
22 the date of application; and

23 (IV) was placed more than 5 feet above the
24 water table.

25 Any ordinance approving a residential setback of
26 less than 1/4 mile that is used to meet the

1 requirements of this subparagraph (D) must
2 specifically reference this subparagraph.

3 For the purposes of this subsection (q), "agronomic rates"
4 means the application of not more than 20 tons per acre per
5 year, except that the Board may allow a higher rate for
6 individual sites where the owner or operator has demonstrated
7 to the Board that the site's soil characteristics or crop needs
8 require a higher rate.

9 (r) Cause or allow the storage or disposal of coal
10 combustion waste unless:

11 (1) such waste is stored or disposed of at a site or
12 facility for which a permit has been obtained or is not
13 otherwise required under subsection (d) of this Section; or

14 (2) such waste is stored or disposed of as a part of
15 the design and reclamation of a site or facility which is
16 an abandoned mine site in accordance with the Abandoned
17 Mined Lands and Water Reclamation Act; or

18 (3) such waste is stored or disposed of at a site or
19 facility which is operating under NPDES and Subtitle D
20 permits issued by the Agency pursuant to regulations
21 adopted by the Board for mine-related water pollution and
22 permits issued pursuant to the Federal Surface Mining
23 Control and Reclamation Act of 1977 (P.L. 95-87) or the
24 rules and regulations thereunder or any law or rule or
25 regulation adopted by the State of Illinois pursuant
26 thereto, and the owner or operator of the facility agrees

1 to accept the waste; and either

2 (i) such waste is stored or disposed of in
3 accordance with requirements applicable to refuse
4 disposal under regulations adopted by the Board for
5 mine-related water pollution and pursuant to NPDES and
6 Subtitle D permits issued by the Agency under such
7 regulations; or

8 (ii) the owner or operator of the facility
9 demonstrates all of the following to the Agency, and
10 the facility is operated in accordance with the
11 demonstration as approved by the Agency: (1) the
12 disposal area will be covered in a manner that will
13 support continuous vegetation, (2) the facility will
14 be adequately protected from wind and water erosion,
15 (3) the pH will be maintained so as to prevent
16 excessive leaching of metal ions, and (4) adequate
17 containment or other measures will be provided to
18 protect surface water and groundwater from
19 contamination at levels prohibited by this Act, the
20 Illinois Groundwater Protection Act, or regulations
21 adopted pursuant thereto.

22 Notwithstanding any other provision of this Title, the
23 disposal of coal combustion waste pursuant to item (2) or (3)
24 of this subdivision (r) shall be exempt from the other
25 provisions of this Title V, and notwithstanding the provisions
26 of Title X of this Act, the Agency is authorized to grant

1 experimental permits which include provision for the disposal
2 of wastes from the combustion of coal and other materials
3 pursuant to items (2) and (3) of this subdivision (r).

4 (s) After April 1, 1989, offer for transportation,
5 transport, deliver, receive or accept special waste for which a
6 manifest is required, unless the manifest indicates that the
7 fee required under Section 22.8 of this Act has been paid.

8 (t) Cause or allow a lateral expansion of a municipal solid
9 waste landfill unit on or after October 9, 1993, without a
10 permit modification, granted by the Agency, that authorizes the
11 lateral expansion.

12 (u) Conduct any vegetable by-product treatment, storage,
13 disposal or transportation operation in violation of any
14 regulation, standards or permit requirements adopted by the
15 Board under this Act. However, no permit shall be required
16 under this Title V for the land application of vegetable
17 by-products conducted pursuant to Agency permit issued under
18 Title III of this Act to the generator of the vegetable
19 by-products. In addition, vegetable by-products may be
20 transported in this State without a special waste hauling
21 permit, and without the preparation and carrying of a manifest.

22 (v) (Blank).

23 (w) Conduct any generation, transportation, or recycling
24 of construction or demolition debris, clean or general, or
25 uncontaminated soil generated during construction, remodeling,
26 repair, and demolition of utilities, structures, and roads that

1 is not commingled with any waste, without the maintenance of
2 documentation identifying the hauler, generator, place of
3 origin of the debris or soil, the weight or volume of the
4 debris or soil, and the location, owner, and operator of the
5 facility where the debris or soil was transferred, disposed,
6 recycled, or treated. This documentation must be maintained by
7 the generator, transporter, or recycler for 3 years. This
8 subsection (w) shall not apply to (1) a permitted pollution
9 control facility that transfers or accepts construction or
10 demolition debris, clean or general, or uncontaminated soil for
11 final disposal, recycling, or treatment, (2) a public utility
12 (as that term is defined in the Public Utilities Act) or a
13 municipal utility, (3) the Illinois Department of
14 Transportation, or (4) a municipality or a county highway
15 department, with the exception of any municipality or county
16 highway department located within a county having a population
17 of over 3,000,000 inhabitants or located in a county that is
18 contiguous to a county having a population of over 3,000,000
19 inhabitants; but it shall apply to an entity that contracts
20 with a public utility, a municipal utility, the Illinois
21 Department of Transportation, or a municipality or a county
22 highway department. The terms "generation" and "recycling" as
23 used in this subsection do not apply to clean construction or
24 demolition debris when (i) used as fill material below grade
25 outside of a setback zone if covered by sufficient
26 uncontaminated soil to support vegetation within 30 days of the

1 completion of filling or if covered by a road or structure,
2 (ii) solely broken concrete without protruding metal bars is
3 used for erosion control, or (iii) milled asphalt or crushed
4 concrete is used as aggregate in construction of the shoulder
5 of a roadway. The terms "generation" and "recycling", as used
6 in this subsection, do not apply to uncontaminated soil that is
7 not commingled with any waste when (i) used as fill material
8 below grade or contoured to grade, or (ii) used at the site of
9 generation.

10 (Source: P.A. 97-220, eff. 7-28-11; 98-239, eff. 8-9-13;
11 98-484, eff. 8-16-13; revised 9-19-13.)

12 (415 ILCS 5/22.2) (from Ch. 111 1/2, par. 1022.2)

13 Sec. 22.2. Hazardous waste; fees; liability.

14 (a) There are hereby created within the State Treasury 2
15 special funds to be known respectively as the "Hazardous Waste
16 Fund" and the "Hazardous Waste Research Fund", constituted from
17 the fees collected pursuant to this Section. In addition to the
18 fees collected under this Section, the Hazardous Waste Fund
19 shall include other moneys made available from any source for
20 deposit into the Fund.

21 (b) (1) On and after January 1, 1989, the Agency shall
22 collect from the owner or operator of each of the following
23 sites a fee in the amount of:

24 (A) 9 cents per gallon or \$18.18 per cubic yard, if
25 the hazardous waste disposal site is located off the

1 site where such waste was produced. The maximum amount
2 payable under this subdivision (A) with respect to the
3 hazardous waste generated by a single generator and
4 deposited in monofills is \$30,000 per year. If, as a
5 result of the use of multiple monofills, waste fees in
6 excess of the maximum are assessed with respect to a
7 single waste generator, the generator may apply to the
8 Agency for a credit.

9 (B) 9 cents or \$18.18 per cubic yard, if the
10 hazardous waste disposal site is located on the site
11 where such waste was produced, provided however the
12 maximum amount of fees payable under this paragraph (B)
13 is \$30,000 per year for each such hazardous waste
14 disposal site.

15 (C) If the hazardous waste disposal site is an
16 underground injection well, \$6,000 per year if not more
17 than 10,000,000 gallons per year are injected, \$15,000
18 per year if more than 10,000,000 gallons but not more
19 than 50,000,000 gallons per year are injected, and
20 \$27,000 per year if more than 50,000,000 gallons per
21 year are injected.

22 (D) 3 cents per gallon or \$6.06 per cubic yard of
23 hazardous waste received for treatment at a hazardous
24 waste treatment site, if the hazardous waste treatment
25 site is located off the site where such waste was
26 produced and if such hazardous waste treatment site is

1 owned, controlled and operated by a person other than
2 the generator of such waste. After treatment at such
3 hazardous waste treatment site, the waste shall not be
4 subject to any other fee imposed by this subsection
5 (b). For purposes of this subsection (b), the term
6 "treatment" is defined as in Section 3.505 but shall
7 not include recycling, reclamation or reuse.

8 (2) The General Assembly shall annually appropriate to
9 the Fund such amounts as it deems necessary to fulfill the
10 purposes of this Act.

11 (3) The Agency shall have the authority to accept,
12 receive, and administer on behalf of the State any moneys
13 made available to the State from any source for the
14 purposes of the Hazardous Waste Fund set forth in
15 subsection (d) of this Section.

16 (4) Of the amount collected as fees provided for in
17 this Section, the Agency shall manage the use of such funds
18 to assure that sufficient funds are available for match
19 towards federal expenditures for response action at sites
20 which are listed on the National Priorities List; provided,
21 however, that this shall not apply to additional monies
22 appropriated to the Fund by the General Assembly, nor shall
23 it apply in the event that the Director finds that revenues
24 in the Hazardous Waste Fund must be used to address
25 conditions which create or may create an immediate danger
26 to the environment or public health or to the welfare of

1 the people of the State of Illinois.

2 (5) Notwithstanding the other provisions of this
3 subsection (b), sludge from a publicly-owned sewage works
4 generated in Illinois, coal mining wastes and refuse
5 generated in Illinois, bottom boiler ash, flyash and flue
6 gas desulphurization sludge from public utility electric
7 generating facilities located in Illinois, and bottom
8 boiler ash and flyash from all incinerators which process
9 solely municipal waste shall not be subject to the fee.

10 (6) For the purposes of this subsection (b), "monofill"
11 means a facility, or a unit at a facility, that accepts
12 only wastes bearing the same USEPA hazardous waste
13 identification number, or compatible wastes as determined
14 by the Agency.

15 (c) The Agency shall establish procedures, not later than
16 January 1, 1984, relating to the collection of the fees
17 authorized by this Section. Such procedures shall include, but
18 not be limited to: (1) necessary records identifying the
19 quantities of hazardous waste received or disposed; (2) the
20 form and submission of reports to accompany the payment of fees
21 to the Agency; and (3) the time and manner of payment of fees
22 to the Agency, which payments shall be not more often than
23 quarterly.

24 (d) Beginning July 1, 1996, the Agency shall deposit all
25 such receipts in the State Treasury to the credit of the
26 Hazardous Waste Fund, except as provided in subsection (e) of

1 this Section. All monies in the Hazardous Waste Fund shall be
2 used by the Agency for the following purposes:

3 (1) Taking whatever preventive or corrective action is
4 necessary or appropriate, in circumstances certified by
5 the Director, including but not limited to removal or
6 remedial action whenever there is a release or substantial
7 threat of a release of a hazardous substance or pesticide;
8 provided, the Agency shall expend no more than \$1,000,000
9 on any single incident without appropriation by the General
10 Assembly.

11 (2) To meet any requirements which must be met by the
12 State in order to obtain federal funds pursuant to the
13 Comprehensive Environmental Response, Compensation and
14 Liability Act of 1980, (P.L. 96-510).

15 (3) In an amount up to 30% of the amount collected as
16 fees provided for in this Section, for use by the Agency to
17 conduct groundwater protection activities, including
18 providing grants to appropriate units of local government
19 which are addressing protection of underground waters
20 pursuant to the provisions of this Act.

21 (4) To fund the development and implementation of the
22 model pesticide collection program under Section 19.1 of
23 the Illinois Pesticide Act.

24 (5) To the extent the Agency has received and deposited
25 monies in the Fund other than fees collected under
26 subsection (b) of this Section, to pay for the cost of

1 Agency employees for services provided in reviewing the
2 performance of response actions pursuant to Title XVII of
3 this Act.

4 (6) In an amount up to 15% of the fees collected
5 annually under subsection (b) of this Section, for use by
6 the Agency for administration of the provisions of this
7 Section.

8 (e) The Agency shall deposit 10% of all receipts collected
9 under subsection (b) of this Section, but not to exceed
10 \$200,000 per year, in the State Treasury to the credit of the
11 Hazardous Waste Research Fund established by this Act. Pursuant
12 to appropriation, all monies in such Fund shall be used by the
13 University of Illinois for the purposes set forth in this
14 subsection.

15 The University of Illinois may enter into contracts with
16 business, industrial, university, governmental or other
17 qualified individuals or organizations to assist in the
18 research and development intended to recycle, reduce the volume
19 of, separate, detoxify or reduce the hazardous properties of
20 hazardous wastes in Illinois. Monies in the Fund may also be
21 used by the University of Illinois for technical studies,
22 monitoring activities, and educational and research activities
23 which are related to the protection of underground waters.
24 Monies in the Hazardous Waste Research Fund may be used to
25 administer the Illinois Health and Hazardous Substances
26 Registry Act. Monies in the Hazardous Waste Research Fund shall

1 not be used for any sanitary landfill or the acquisition or
2 construction of any facility. This does not preclude the
3 purchase of equipment for the purpose of public demonstration
4 projects. The University of Illinois shall adopt guidelines for
5 cost sharing, selecting, and administering projects under this
6 subsection.

7 (f) Notwithstanding any other provision or rule of law, and
8 subject only to the defenses set forth in subsection (j) of
9 this Section, the following persons shall be liable for all
10 costs of removal or remedial action incurred by the State of
11 Illinois or any unit of local government as a result of a
12 release or substantial threat of a release of a hazardous
13 substance or pesticide:

14 (1) the owner and operator of a facility or vessel from
15 which there is a release or substantial threat of release
16 of a hazardous substance or pesticide;

17 (2) any person who at the time of disposal, transport,
18 storage or treatment of a hazardous substance or pesticide
19 owned or operated the facility or vessel used for such
20 disposal, transport, treatment or storage from which there
21 was a release or substantial threat of a release of any
22 such hazardous substance or pesticide;

23 (3) any person who by contract, agreement, or otherwise
24 has arranged with another party or entity for transport,
25 storage, disposal or treatment of hazardous substances or
26 pesticides owned, controlled or possessed by such person at

1 a facility owned or operated by another party or entity
2 from which facility there is a release or substantial
3 threat of a release of such hazardous substances or
4 pesticides; and

5 (4) any person who accepts or accepted any hazardous
6 substances or pesticides for transport to disposal,
7 storage or treatment facilities or sites from which there
8 is a release or a substantial threat of a release of a
9 hazardous substance or pesticide.

10 Any monies received by the State of Illinois pursuant to
11 this subsection (f) shall be deposited in the State Treasury to
12 the credit of the Hazardous Waste Fund.

13 In accordance with the other provisions of this Section,
14 costs of removal or remedial action incurred by a unit of local
15 government may be recovered in an action before the Board
16 brought by the unit of local government under subsection (i) of
17 this Section. Any monies so recovered shall be paid to the unit
18 of local government.

19 (g) (1) No indemnification, hold harmless, or similar
20 agreement or conveyance shall be effective to transfer from
21 the owner or operator of any vessel or facility or from any
22 person who may be liable for a release or substantial
23 threat of a release under this Section, to any other person
24 the liability imposed under this Section. Nothing in this
25 Section shall bar any agreement to insure, hold harmless or
26 indemnify a party to such agreements for any liability

1 under this Section.

2 (2) Nothing in this Section, including the provisions
3 of paragraph (g) (1) of this Section, shall bar a cause of
4 action that an owner or operator or any other person
5 subject to liability under this Section, or a guarantor,
6 has or would have, by reason of subrogation or otherwise
7 against any person.

8 (h) For purposes of this Section:

9 (1) The term "facility" means:

10 (A) any building, structure, installation,
11 equipment, pipe or pipeline including but not limited
12 to any pipe into a sewer or publicly owned treatment
13 works, well, pit, pond, lagoon, impoundment, ditch,
14 landfill, storage container, motor vehicle, rolling
15 stock, or aircraft; or

16 (B) any site or area where a hazardous substance
17 has been deposited, stored, disposed of, placed, or
18 otherwise come to be located.

19 (2) The term "owner or operator" means:

20 (A) any person owning or operating a vessel or
21 facility;

22 (B) in the case of an abandoned facility, any
23 person owning or operating the abandoned facility or
24 any person who owned, operated, or otherwise
25 controlled activities at the abandoned facility
26 immediately prior to such abandonment;

1 (C) in the case of a land trust as defined in
2 Section 2 of the Land Trustee as Creditor Act, the
3 person owning the beneficial interest in the land
4 trust;

5 (D) in the case of a fiduciary (other than a land
6 trustee), the estate, trust estate, or other interest
7 in property held in a fiduciary capacity, and not the
8 fiduciary. For the purposes of this Section,
9 "fiduciary" means a trustee, executor, administrator,
10 guardian, receiver, conservator or other person
11 holding a facility or vessel in a fiduciary capacity;

12 (E) in the case of a "financial institution",
13 meaning the Illinois Housing Development Authority and
14 that term as defined in Section 2 of the Illinois
15 Banking Act, that has acquired ownership, operation,
16 management, or control of a vessel or facility through
17 foreclosure or under the terms of a security interest
18 held by the financial institution or under the terms of
19 an extension of credit made by the financial
20 institution, the financial institution only if the
21 financial institution takes possession of the vessel
22 or facility and the financial institution exercises
23 actual, direct, and continual or recurrent managerial
24 control in the operation of the vessel or facility that
25 causes a release or substantial threat of a release of
26 a hazardous substance or pesticide resulting in

1 removal or remedial action;

2 (F) In the case of an owner of residential
3 property, the owner if the owner is a person other than
4 an individual, or if the owner is an individual who
5 owns more than 10 dwelling units in Illinois, or if the
6 owner, or an agent, representative, contractor, or
7 employee of the owner, has caused, contributed to, or
8 allowed the release or threatened release of a
9 hazardous substance or pesticide. The term
10 "residential property" means single family residences
11 of one to 4 dwelling units, including accessory land,
12 buildings, or improvements incidental to those
13 dwellings that are exclusively used for the
14 residential use. For purposes of this subparagraph
15 (F), the term "individual" means a natural person, and
16 shall not include corporations, partnerships, trusts,
17 or other non-natural persons.

18 (G) In the case of any facility, title or control
19 of which was conveyed due to bankruptcy, foreclosure,
20 tax delinquency, abandonment, or similar means to a
21 unit of State or local government, any person who
22 owned, operated, or otherwise controlled activities at
23 the facility immediately beforehand.

24 (H) The term "owner or operator" does not include a
25 unit of State or local government which acquired
26 ownership or control through bankruptcy, tax

1 delinquency, abandonment, or other circumstances in
2 which the government acquires title by virtue of its
3 function as sovereign. The exclusion provided under
4 this paragraph shall not apply to any State or local
5 government which has caused or contributed to the
6 release or threatened release of a hazardous substance
7 from the facility, and such a State or local government
8 shall be subject to the provisions of this Act in the
9 same manner and to the same extent, both procedurally
10 and substantively, as any nongovernmental entity,
11 including liability under Section 22.2(f).

12 (i) The costs and damages provided for in this Section may
13 be imposed by the Board in an action brought before the Board
14 in accordance with Title VIII of this Act, except that Section
15 33(c) of this Act shall not apply to any such action.

16 (j) (1) There shall be no liability under this Section for a
17 person otherwise liable who can establish by a preponderance of
18 the evidence that the release or substantial threat of release
19 of a hazardous substance and the damages resulting therefrom
20 were caused solely by:

21 (A) an act of God;

22 (B) an act of war;

23 (C) an act or omission of a third party other than an
24 employee or agent of the defendant, or other than one whose
25 act or omission occurs in connection with a contractual
26 relationship, existing directly or indirectly, with the

1 defendant (except where the sole contractual arrangement
2 arises from a published tariff and acceptance for carriage
3 by a common carrier by rail), if the defendant establishes
4 by a preponderance of the evidence that (i) he exercised
5 due care with respect to the hazardous substance concerned,
6 taking into consideration the characteristics of such
7 hazardous substance, in light of all relevant facts and
8 circumstances, and (ii) he took precautions against
9 foreseeable acts or omissions of any such third party and
10 the consequences that could foreseeably result from such
11 acts or omissions; or

12 (D) any combination of the foregoing paragraphs.

13 (2) There shall be no liability under this Section for any
14 release permitted by State or federal law.

15 (3) There shall be no liability under this Section for
16 damages as a result of actions taken or omitted in the course
17 of rendering care, assistance, or advice in accordance with
18 this Section or the National Contingency Plan pursuant to the
19 Comprehensive Environmental Response, Compensation and
20 Liability Act of 1980 (P.L. 96-510) or at the direction of an
21 on-scene coordinator appointed under such plan, with respect to
22 an incident creating a danger to public health or welfare or
23 the environment as a result of any release of a hazardous
24 substance or a substantial threat thereof. This subsection
25 shall not preclude liability for damages as the result of gross
26 negligence or intentional misconduct on the part of such

1 person. For the purposes of the preceding sentence, reckless,
2 willful, or wanton misconduct shall constitute gross
3 negligence.

4 (4) There shall be no liability under this Section for any
5 person (including, but not limited to, an owner of residential
6 property who applies a pesticide to the residential property or
7 who has another person apply a pesticide to the residential
8 property) for response costs or damages as the result of the
9 storage, handling and use, or recommendation for storage,
10 handling and use, of a pesticide consistent with:

11 (A) its directions for storage, handling and use as
12 stated in its label or labeling;

13 (B) its warnings and cautions as stated in its label or
14 labeling; and

15 (C) the uses for which it is registered under the
16 Federal Insecticide, Fungicide and Rodenticide Act and the
17 Illinois Pesticide Act.

18 (4.5) There shall be no liability under subdivision (f)(1)
19 of this Section for response costs or damages as the result of
20 a release of a pesticide from an agrichemical facility site if
21 the Agency has received notice from the Department of
22 Agriculture pursuant to Section 19.3 of the Illinois Pesticide
23 Act, the owner or operator of the agrichemical facility is
24 proceeding with a corrective action plan under the Agrichemical
25 Facility Response Action Program implemented under that
26 Section, and the Agency has provided a written endorsement of a

1 corrective action plan.

2 (4.6) There shall be no liability under subdivision (f) (1)
3 of this Section for response costs or damages as the result of
4 a substantial threat of a release of a pesticide from an
5 agrichemical facility site if the Agency has received notice
6 from the Department of Agriculture pursuant to Section 19.3 of
7 the Illinois Pesticide Act and the owner or operator of the
8 agrichemical facility is proceeding with a corrective action
9 plan under the Agrichemical Facility Response Action Program
10 implemented under that Section.

11 (5) Nothing in this subsection (j) shall affect or modify
12 in any way the obligations or liability of any person under any
13 other provision of this Act or State or federal law, including
14 common law, for damages, injury, or loss resulting from a
15 release or substantial threat of a release of any hazardous
16 substance or for removal or remedial action or the costs of
17 removal or remedial action of such hazardous substance.

18 (6) (A) The term "contractual relationship", for the
19 purpose of this subsection includes, but is not limited to,
20 land contracts, deeds or other instruments transferring title
21 or possession, unless the real property on which the facility
22 concerned is located was acquired by the defendant after the
23 disposal or placement of the hazardous substance on, in, or at
24 the facility, and one or more of the circumstances described in
25 clause (i), (ii), or (iii) of this paragraph is also
26 established by the defendant by a preponderance of the

1 evidence:

2 (i) At the time the defendant acquired the facility the
3 defendant did not know and had no reason to know that any
4 hazardous substance which is the subject of the release or
5 threatened release was disposed of on, in or at the
6 facility.

7 (ii) The defendant is a government entity which
8 acquired the facility by escheat, or through any other
9 involuntary transfer or acquisition, or through the
10 exercise of eminent domain authority by purchase or
11 condemnation.

12 (iii) The defendant acquired the facility by
13 inheritance or bequest.

14 In addition to establishing the foregoing, the defendant
15 must establish that he has satisfied the requirements of
16 subparagraph (C) of paragraph (1) of this subsection (j).

17 (B) To establish the defendant had no reason to know, as
18 provided in clause (i) of subparagraph (A) of this paragraph,
19 the defendant must have undertaken, at the time of acquisition,
20 all appropriate inquiry into the previous ownership and uses of
21 the property consistent with good commercial or customary
22 practice in an effort to minimize liability. For purposes of
23 the preceding sentence, the court shall take into account any
24 specialized knowledge or experience on the part of the
25 defendant, the relationship of the purchase price to the value
26 of the property if uncontaminated, commonly known or reasonably

1 ascertainable information about the property, the obviousness
2 of the presence or likely presence of contamination at the
3 property, and the ability to detect such contamination by
4 appropriate inspection.

5 (C) Nothing in this paragraph (6) or in subparagraph (C) of
6 paragraph (1) of this subsection shall diminish the liability
7 of any previous owner or operator of such facility who would
8 otherwise be liable under this Act. Notwithstanding this
9 paragraph (6), if the defendant obtained actual knowledge of
10 the release or threatened release of a hazardous substance at
11 such facility when the defendant owned the real property and
12 then subsequently transferred ownership of the property to
13 another person without disclosing such knowledge, such
14 defendant shall be treated as liable under subsection (f) of
15 this Section and no defense under subparagraph (C) of paragraph
16 (1) of this subsection shall be available to such defendant.

17 (D) Nothing in this paragraph (6) shall affect the
18 liability under this Act of a defendant who, by any act or
19 omission, caused or contributed to the release or threatened
20 release of a hazardous substance which is the subject of the
21 action relating to the facility.

22 (E)(i) Except as provided in clause (ii) of this
23 subparagraph (E), a defendant who has acquired real property
24 shall have established a rebuttable presumption against all
25 State claims and a conclusive presumption against all private
26 party claims that the defendant has made all appropriate

1 inquiry within the meaning of subdivision (6)(B) of this
2 subsection (j) if the defendant proves that immediately prior
3 to or at the time of the acquisition:

4 (I) the defendant obtained a Phase I Environmental
5 Audit of the real property that meets or exceeds the
6 requirements of this subparagraph (E), and the Phase I
7 Environmental Audit did not disclose the presence or likely
8 presence of a release or a substantial threat of a release
9 of a hazardous substance or pesticide at, on, to, or from
10 the real property; or

11 (II) the defendant obtained a Phase II Environmental
12 Audit of the real property that meets or exceeds the
13 requirements of this subparagraph (E), and the Phase II
14 Environmental Audit did not disclose the presence or likely
15 presence of a release or a substantial threat of a release
16 of a hazardous substance or pesticide at, on, to, or from
17 the real property.

18 (ii) No presumption shall be created under clause (i) of
19 this subparagraph (E), and a defendant shall be precluded from
20 demonstrating that the defendant has made all appropriate
21 inquiry within the meaning of subdivision (6)(B) of this
22 subsection (j), if:

23 (I) the defendant fails to obtain all Environmental
24 Audits required under this subparagraph (E) or any such
25 Environmental Audit fails to meet or exceed the
26 requirements of this subparagraph (E);

1 (II) a Phase I Environmental Audit discloses the
2 presence or likely presence of a release or a substantial
3 threat of a release of a hazardous substance or pesticide
4 at, on, to, or from real property, and the defendant fails
5 to obtain a Phase II Environmental Audit;

6 (III) a Phase II Environmental Audit discloses the
7 presence or likely presence of a release or a substantial
8 threat of a release of a hazardous substance or pesticide
9 at, on, to, or from the real property;

10 (IV) the defendant fails to maintain a written
11 compilation and explanatory summary report of the
12 information reviewed in the course of each Environmental
13 Audit under this subparagraph (E); or

14 (V) there is any evidence of fraud, material
15 concealment, or material misrepresentation by the
16 defendant of environmental conditions or of related
17 information discovered during the course of an
18 Environmental Audit.

19 (iii) For purposes of this subparagraph (E), the term
20 "environmental professional" means an individual (other than a
21 practicing attorney) who, through academic training,
22 occupational experience, and reputation (such as engineers,
23 industrial hygienists, or geologists) can objectively conduct
24 one or more aspects of an Environmental Audit and who either:

25 (I) maintains at the time of the Environmental Audit
26 and for at least one year thereafter at least \$500,000 of

1 environmental consultants' professional liability
2 insurance coverage issued by an insurance company licensed
3 to do business in Illinois; or

4 (II) is an Illinois licensed professional engineer or a
5 Certified Industrial Hygienist certified by the American
6 Board of Industrial Hygiene.

7 An environmental professional may employ persons who are
8 not environmental professionals to assist in the preparation of
9 an Environmental Audit if such persons are under the direct
10 supervision and control of the environmental professional.

11 (iv) For purposes of this subparagraph (E), the term "real
12 property" means any interest in any parcel of land, and
13 includes, but is not limited to, buildings, fixtures, and
14 improvements.

15 (v) For purposes of this subparagraph (E), the term "Phase
16 I Environmental Audit" means an investigation of real property,
17 conducted by environmental professionals, to discover the
18 presence or likely presence of a release or a substantial
19 threat of a release of a hazardous substance or pesticide at,
20 on, to, or from real property, and whether a release or a
21 substantial threat of a release of a hazardous substance or
22 pesticide has occurred or may occur at, on, to, or from the
23 real property. Until such time as the United States
24 Environmental Protection Agency establishes standards for
25 making appropriate inquiry into the previous ownership and uses
26 of the facility pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii), the

1 investigation shall comply with the procedures of the American
2 Society for Testing and Materials, including the document known
3 as Standard E1527-97, entitled "Standard Procedures for
4 Environmental Site Assessment: Phase 1 Environmental Site
5 Assessment Process". Upon their adoption, the standards
6 promulgated by USEPA pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii)
7 shall govern the performance of Phase I Environmental Audits.
8 In addition to the above requirements, the Phase I
9 Environmental Audit shall include a review of recorded land
10 title records for the purpose of determining whether the real
11 property is subject to an environmental land use restriction
12 such as a No Further Remediation Letter, Environmental Land Use
13 Control, or Highway Authority Agreement.

14 (vi) For purposes of subparagraph (E), the term "Phase II
15 Environmental Audit" means an investigation of real property,
16 conducted by environmental professionals, subsequent to a
17 Phase I Environmental Audit. If the Phase I Environmental Audit
18 discloses the presence or likely presence of a hazardous
19 substance or a pesticide or a release or a substantial threat
20 of a release of a hazardous substance or pesticide:

21 (I) In or to soil, the defendant, as part of the Phase
22 II Environmental Audit, shall perform a series of soil
23 borings sufficient to determine whether there is a presence
24 or likely presence of a hazardous substance or pesticide
25 and whether there is or has been a release or a substantial
26 threat of a release of a hazardous substance or pesticide

1 at, on, to, or from the real property.

2 (II) In or to groundwater, the defendant, as part of
3 the Phase II Environmental Audit, shall: review
4 information regarding local geology, water well locations,
5 and locations of waters of the State as may be obtained
6 from State, federal, and local government records,
7 including but not limited to the United States Geological
8 Survey, the State Geological Survey of the University of
9 Illinois, and the State Water Survey of the University of
10 Illinois; and perform groundwater monitoring sufficient to
11 determine whether there is a presence or likely presence of
12 a hazardous substance or pesticide, and whether there is or
13 has been a release or a substantial threat of a release of
14 a hazardous substance or pesticide at, on, to, or from the
15 real property.

16 (III) On or to media other than soil or groundwater,
17 the defendant, as part of the Phase II Environmental Audit,
18 shall perform an investigation sufficient to determine
19 whether there is a presence or likely presence of a
20 hazardous substance or pesticide, and whether there is or
21 has been a release or a substantial threat of a release of
22 a hazardous substance or pesticide at, on, to, or from the
23 real property.

24 (vii) The findings of each Environmental Audit prepared
25 under this subparagraph (E) shall be set forth in a written
26 audit report. Each audit report shall contain an affirmation by

1 the defendant and by each environmental professional who
2 prepared the Environmental Audit that the facts stated in the
3 report are true and are made under a penalty of perjury as
4 defined in Section 32-2 of the Criminal Code of 2012. It is
5 perjury for any person to sign an audit report that contains a
6 false material statement that the person does not believe to be
7 true.

8 (viii) The Agency is not required to review, approve, or
9 certify the results of any Environmental Audit. The performance
10 of an Environmental Audit shall in no way entitle a defendant
11 to a presumption of Agency approval or certification of the
12 results of the Environmental Audit.

13 The presence or absence of a disclosure document prepared
14 under the Responsible Property Transfer Act of 1988 shall not
15 be a defense under this Act and shall not satisfy the
16 requirements of subdivision (6) (A) of this subsection (j).

17 (7) No person shall be liable under this Section for
18 response costs or damages as the result of a pesticide release
19 if the Agency has found that a pesticide release occurred based
20 on a Health Advisory issued by the U.S. Environmental
21 Protection Agency or an action level developed by the Agency,
22 unless the Agency notified the manufacturer of the pesticide
23 and provided an opportunity of not less than 30 days for the
24 manufacturer to comment on the technical and scientific
25 justification supporting the Health Advisory or action level.

26 (8) No person shall be liable under this Section for

1 response costs or damages as the result of a pesticide release
2 that occurs in the course of a farm pesticide collection
3 program operated under Section 19.1 of the Illinois Pesticide
4 Act, unless the release results from gross negligence or
5 intentional misconduct.

6 (k) If any person who is liable for a release or
7 substantial threat of release of a hazardous substance or
8 pesticide fails without sufficient cause to provide removal or
9 remedial action upon or in accordance with a notice and request
10 by the Agency or upon or in accordance with any order of the
11 Board or any court, such person may be liable to the State for
12 punitive damages in an amount at least equal to, and not more
13 than 3 times, the amount of any costs incurred by the State of
14 Illinois as a result of such failure to take such removal or
15 remedial action. The punitive damages imposed by the Board
16 shall be in addition to any costs recovered from such person
17 pursuant to this Section and in addition to any other penalty
18 or relief provided by this Act or any other law.

19 Any monies received by the State pursuant to this
20 subsection (k) shall be deposited in the Hazardous Waste Fund.

21 (l) Beginning January 1, 1988, and prior to January 1,
22 2013, the Agency shall annually collect a \$250 fee for each
23 Special Waste Hauling Permit Application and, in addition,
24 shall collect a fee of \$20 for each waste hauling vehicle
25 identified in the annual permit application and for each
26 vehicle which is added to the permit during the annual period.

1 Beginning January 1, 2013, the Agency shall issue 3-year
2 Special Waste Hauling Permits instead of annual Special Waste
3 Hauling Permits and shall collect a \$750 fee for each Special
4 Waste Hauling Permit Application. In addition, beginning
5 January 1, 2013, the Agency shall collect a fee of \$60 for each
6 waste hauling vehicle identified in the permit application and
7 for each vehicle that is added to the permit during the 3-year
8 period. The Agency shall deposit 85% of such fees collected
9 under this subsection in the State Treasury to the credit of
10 the Hazardous Waste Research Fund; and shall deposit the
11 remaining 15% of such fees collected in the State Treasury to
12 the credit of the Environmental Protection Permit and
13 Inspection Fund. The majority of such receipts which are
14 deposited in the Hazardous Waste Research Fund pursuant to this
15 subsection shall be used by the University of Illinois for
16 activities which relate to the protection of underground
17 waters.

18 (l-5) (Blank).

19 (m) (Blank).

20 (n) (Blank).

21 (Source: P.A. 97-220, eff. 7-28-11; 97-1081, eff. 8-24-12;
22 97-1150, eff. 1-25-13; 98-78, eff. 7-15-13; revised 9-19-13.)

23 (415 ILCS 5/58.16)

24 Sec. 58.16. Construction of school; requirements. This
25 Section applies only to counties with a population of more than

1 3,000,000. In this Section, "school" means any public school
2 located in whole or in part in a county with a population of
3 more than 3,000,000. No person shall commence construction on
4 real property of a building intended for use as a school
5 unless:

6 (1) a Phase I ~~±~~ Environmental Audit, conducted in
7 accordance with Section 22.2 of this Act, is obtained;

8 (2) if the Phase I ~~±~~ Environmental Audit discloses the
9 presence or likely presence of a release or a substantial
10 threat of a release of a regulated substance at, on, to, or
11 from the real property, a Phase II Environmental Audit,
12 conducted in accordance with Section 22.2 of this Act, is
13 obtained; and

14 (3) if the Phase II Environmental Audit discloses the
15 presence or likely presence of a release or a substantial
16 threat of a release of a regulated substance at, on, to, or
17 from the real property:~~—and~~ (i) the real property is
18 enrolled in the Site Remediation Program, and (ii) the
19 remedial action plan is approved by the Agency, if a
20 remedial action plan is required by Board regulations.

21 No person shall cause or allow any person to occupy a
22 building intended to be used as a school for which a remedial
23 action plan is required by Board regulations unless all work
24 pursuant to the remedial action plan is completed.

25 (Source: P.A. 91-442, eff. 1-1-00; 92-16, eff. 6-28-01; 92-151,
26 eff. 7-24-01; revised 11-14-13.)

1 Section 595. The Illinois Pesticide Act is amended by
2 changing Section 4 as follows:

3 (415 ILCS 60/4) (from Ch. 5, par. 804)

4 Sec. 4. Definitions. As used in this Act:

5 1. "Director" means Director of the Illinois Department of
6 Agriculture or his authorized representative.

7 2. "Active Ingredient" means any ingredient which will
8 prevent, destroy, repel, control or mitigate a pest or which
9 will act as a plant regulator, defoliant or desiccant.

10 3. "Adulterated" shall apply to any pesticide if the
11 strength or purity is not within the standard of quality
12 expressed on the labeling under which it is sold, distributed
13 or used, including any substance which has been substituted
14 wholly or in part for the pesticide as specified on the
15 labeling under which it is sold, distributed or used, or if any
16 valuable constituent of the pesticide has been wholly or in
17 part abstracted.

18 4. "Agricultural Commodity" means produce of the land
19 including but not limited to plants and plant parts, livestock
20 and poultry and livestock or poultry products, seeds, sod,
21 shrubs and other products of agricultural origin including the
22 premises necessary to and used directly in agricultural
23 production. Agricultural commodity also includes aquatic
24 products as defined in the Aquaculture Development Act.

1 5. "Animal" means all vertebrate and invertebrate species
2 including, but not limited to, man and other mammals, bird,
3 fish, and shellfish.

4 6. "Beneficial Insects" means those insects which during
5 their life cycle are effective pollinators of plants, predators
6 of pests or are otherwise beneficial.

7 7. "Certified applicator".

8 A. "Certified applicator" means any individual who is
9 certified under this Act to purchase, use, or supervise the
10 use of pesticides which are classified for restricted use.

11 B. "Private applicator" means a certified applicator
12 who purchases, uses, or supervises the use of any pesticide
13 classified for restricted use, for the purpose of producing
14 any agricultural commodity on property owned, rented, or
15 otherwise controlled by him or his employer, or applied to
16 other property if done without compensation other than
17 trading of personal services between no more than 2
18 producers of agricultural commodities.

19 C. "Licensed Commercial Applicator" means a certified
20 applicator, whether or not he is a private applicator with
21 respect to some uses, who owns or manages a business that
22 is engaged in applying pesticides, whether classified for
23 general or restricted use, for hire. The term also applies
24 to a certified applicator who uses or supervises the use of
25 pesticides, whether classified for general or restricted
26 use, for any purpose or on property of others excluding

1 those specified by subparagraphs 7 (B), (D), (E) of Section
2 4 of this Act.

3 D. "Commercial Not For Hire Applicator" means a
4 certified applicator who uses or supervises the use of
5 pesticides classified for general or restricted use for any
6 purpose on property of an employer when such activity is a
7 requirement of the terms of employment and such application
8 of pesticides under this certification is limited to
9 property under the control of the employer only and
10 includes, but is not limited to, the use or supervision of
11 the use of pesticides in a greenhouse setting.

12 E. "Licensed Public Applicator" means a certified
13 applicator who uses or supervises the use of pesticides
14 classified for general or restricted use as an employee of
15 a state agency, municipality, or other duly constituted
16 governmental agency or unit.

17 8. "Defoliant" means any substance or combination of
18 substances which cause leaves or foliage to drop from a plant
19 with or without causing abscission.

20 9. "Desiccant" means any substance or combination of
21 substances intended for artificially accelerating the drying
22 of plant tissue.

23 10. "Device" means any instrument or contrivance, other
24 than a firearm or equipment for application of pesticides when
25 sold separately from pesticides, which is intended for
26 trapping, repelling, destroying, or mitigating any pest, other

1 than bacteria, virus, or other microorganisms on or living in
2 man or other living animals.

3 11. "Distribute" means offer or hold for sale, sell,
4 barter, ship, deliver for shipment, receive and then deliver,
5 or offer to deliver pesticides, within the State.

6 12. "Environment" includes water, air, land, and all plants
7 and animals including man, living therein and the
8 interrelationships which exist among these.

9 13. "Equipment" means any type of instruments and
10 contrivances using motorized, mechanical or pressure power
11 which is used to apply any pesticide, excluding pressurized
12 hand-size household apparatus containing dilute ready to apply
13 pesticide or used to apply household pesticides.

14 14. "FIFRA" means the "Federal Insecticide Fungicide
15 Rodenticide Act", as amended.

16 15. "Fungi" means any non-chlorophyll bearing
17 thallophytes, any non-chlorophyll bearing plant of a lower
18 order than mosses or liverworts, as for example rust, smut,
19 mildew, mold, yeast and bacteria, except those on or in living
20 animals including man and those on or in processed foods,
21 beverages or pharmaceuticals.

22 16. "Household Substance" means any pesticide customarily
23 produced and distributed for use by individuals in or about the
24 household.

25 17. "Imminent Hazard" means a situation which exists when
26 continued use of a pesticide would likely result in

1 unreasonable adverse effect on the environment or will involve
2 unreasonable hazard to the survival of a species declared
3 endangered by the U.S. Secretary of the Interior or to species
4 declared to be protected by the Illinois Department of Natural
5 Resources.

6 18. "Inert Ingredient" means an ingredient which is not an
7 active ingredient.

8 19. "Ingredient Statement" means a statement of the name
9 and percentage of each active ingredient together with the
10 total percentage of inert ingredients in a pesticide and for
11 pesticides containing arsenic in any form, the ingredient
12 statement shall include percentage of total and water soluble
13 arsenic, each calculated as elemental arsenic. In the case of
14 spray adjuvants the ingredient statement need contain only the
15 names of the functioning agents and the total percent of those
16 constituents ineffective as spray adjuvants.

17 20. "Insect" means any of the numerous small invertebrate
18 animals generally having the body more or less obviously
19 segmented for the most part belonging to the class Insects,
20 comprised of six-legged, usually winged forms, as for example
21 beetles, caterpillars, and flies. This definition encompasses
22 other allied classes of arthropods whose members are wingless
23 and usually have more than 6 legs as for example spiders,
24 mites, ticks, centipedes, and millipedes.

25 21. "Label" means the written, printed or graphic matter on
26 or attached to the pesticide or device or any of its containers

1 or wrappings.

2 22. "Labeling" means the label and all other written,
3 printed or graphic matter: (a) on the pesticide or device or
4 any of its containers or wrappings, (b) accompanying the
5 pesticide or device or referring to it in any other media used
6 to disseminate information to the public, (c) to which
7 reference is made to the pesticide or device except when
8 references are made to current official publications of the U.
9 S. Environmental Protection Agency, Departments of
10 Agriculture, Health, Education and Welfare or other Federal
11 Government institutions, the state experiment station or
12 colleges of agriculture or other similar state institution
13 authorized to conduct research in the field of pesticides.

14 23. "Land" means all land and water area including
15 airspace, and all plants, animals, structures, buildings,
16 contrivances, and machinery appurtenant thereto or situated
17 thereon, fixed or mobile, including any used for
18 transportation.

19 24. "Licensed Operator" means a person employed to apply
20 pesticides to the lands of others under the direction of a
21 "licensed commercial applicator" or a "licensed public
22 applicator" or a "licensed commercial not-for-hire
23 applicator".

24 25. "Nematode" means invertebrate animals of the phylum
25 nemathelminthes and class nematoda, also referred to as nemas
26 or eelworms, which are unsegmented roundworms with elongated

1 fusiform or sac-like bodies covered with cuticle and inhabiting
2 soil, water, plants or plant parts.

3 26. "Permit" means a written statement issued by the
4 Director or his authorized agent, authorizing certain acts of
5 pesticide purchase or of pesticide use or application on an ~~a~~
6 interim basis prior to normal certification, registration, or
7 licensing.

8 27. "Person" means any individual, partnership,
9 association, fiduciary, corporation, or any organized group of
10 persons whether incorporated or not.

11 28. "Pest" means (a) any insect, rodent, nematode, fungus,
12 weed, or (b) any other form of terrestrial or aquatic plant or
13 animal life or virus, bacteria, or other microorganism,
14 excluding virus, bacteria, or other microorganism on or in
15 living animals including man, which the Director declares to be
16 a pest.

17 29. "Pesticide" means any substance or mixture of
18 substances intended for preventing, destroying, repelling, or
19 mitigating any pest or any substance or mixture of substances
20 intended for use as a plant regulator, defoliant or desiccant.

21 30. "Pesticide Dealer" means any person who distributes
22 registered pesticides to the user.

23 31. "Plant Regulator" means any substance or mixture of
24 substances intended through physiological action to affect the
25 rate of growth or maturation or otherwise alter the behavior of
26 ornamental or crop plants or the produce thereof. This does not

1 include substances which are not intended as plant nutrient
2 trace elements, nutritional chemicals, plant or seed
3 inoculants or soil conditioners or amendments.

4 32. "Protect Health and Environment" means to guard against
5 any unreasonable adverse effects on the environment.

6 33. "Registrant" means person who has registered any
7 pesticide pursuant to the provision of FIFRA and this Act.

8 34. "Restricted Use Pesticide" means any pesticide with one
9 or more of its uses classified as restricted by order of the
10 Administrator of USEPA.

11 35. "SLN Registration" means registration of a pesticide
12 for use under conditions of special local need as defined by
13 FIFRA.

14 36. "State Restricted Pesticide Use" means any pesticide
15 use which the Director determines, subsequent to public
16 hearing, that an additional restriction for that use is needed
17 to prevent unreasonable adverse effects.

18 37. "Structural Pest" means any pests which attack and
19 destroy buildings and other structures or which attack
20 clothing, stored food, commodities stored at food
21 manufacturing and processing facilities or manufactured and
22 processed goods.

23 38. "Unreasonable Adverse Effects on the Environment"
24 means the unreasonable risk to the environment, including man,
25 from the use of any pesticide, when taking into account accrued
26 benefits of as well as the economic, social, and environmental

1 costs of its use.

2 39. "USEPA" means United States Environmental Protection
3 Agency.

4 40. "Use inconsistent with the label" means to use a
5 pesticide in a manner not consistent with the label
6 instruction, the definition adopted in FIFRA as interpreted by
7 USEPA shall apply in Illinois.

8 41. "Weed" means any plant growing in a place where it is
9 not wanted.

10 42. "Wildlife" means all living things, not human,
11 domestic, or pests.

12 43. "Bulk pesticide" means any registered pesticide which
13 is transported or held in an individual container in undivided
14 quantities of greater than 55 U.S. gallons liquid measure or
15 100 pounds net dry weight.

16 44. "Bulk repackaging" means the transfer of a registered
17 pesticide from one bulk container (containing undivided
18 quantities of greater than 100 U.S. gallons liquid measure or
19 100 pounds net dry weight) to another bulk container
20 (containing undivided quantities of greater than 100 U.S.
21 gallons liquid measure or 100 pounds net dry weight) in an
22 unaltered state in preparation for sale or distribution to
23 another person.

24 45. "Business" means any individual, partnership,
25 corporation or association engaged in a business operation for
26 the purpose of selling or distributing pesticides or providing

1 the service of application of pesticides in this State.

2 46. "Facility" means any building or structure and all real
3 property contiguous thereto, including all equipment fixed
4 thereon used for the operation of the business.

5 47. "Chemigation" means the application of a pesticide
6 through the systems or equipment employed for the primary
7 purpose of irrigation of land and crops.

8 48. "Use" means any activity covered by the pesticide label
9 including but not limited to application of pesticide, mixing
10 and loading, storage of pesticides or pesticide containers,
11 disposal of pesticides and pesticide containers and reentry
12 into treated sites or areas.

13 (Source: P.A. 92-113, eff. 7-20-01; revised 11-14-13.)

14 Section 600. The Firearm Owners Identification Card Act is
15 amended by changing Section 8 as follows:

16 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

17 Sec. 8. Grounds for denial and revocation. The Department
18 of State Police has authority to deny an application for or to
19 revoke and seize a Firearm Owner's Identification Card
20 previously issued under this Act only if the Department finds
21 that the applicant or the person to whom such card was issued
22 is or was at the time of issuance:

23 (a) A person under 21 years of age who has been
24 convicted of a misdemeanor other than a traffic offense or

1 adjudged delinquent;

2 (b) A person under 21 years of age who does not have
3 the written consent of his parent or guardian to acquire
4 and possess firearms and firearm ammunition, or whose
5 parent or guardian has revoked such written consent, or
6 where such parent or guardian does not qualify to have a
7 Firearm Owner's Identification Card;

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

10 (d) A person addicted to narcotics;

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

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

1 (g) A person who is intellectually disabled;

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

4 (i) An alien who is unlawfully present in the United
5 States under the laws of the United States;

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

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

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

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

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

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

26 (4) a foreign law enforcement officer of a friendly

1 foreign government entering the United States on
2 official business; or

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

6 (j) (Blank);

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

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

1 application for and for revoking and seizing a Firearm
2 Owner's Identification Card previously issued to the
3 person under this Act;

4 (m) (Blank);

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

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

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

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

19 (r) A person who has been adjudicated as a mentally
20 disabled person;

21 (s) A person who has been found to be developmentally
22 disabled;

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

25 (u) A person who has had his or her Firearm Owner's
26 Identification Card revoked or denied under subsection (e)

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

21 ~~(v)~~ Upon revocation of a person's Firearm Owner's
22 Identification Card, the Department of State Police shall
23 provide notice to the person and the person shall comply with
24 Section 9.5 of this Act.

25 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
26 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13;

1 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; revised 9-24-13.)

2 Section 605. The Firearm Concealed Carry Act is amended by
3 changing Sections 25, 35, 50, and 70 as follows:

4 (430 ILCS 66/25)

5 Sec. 25. Qualifications for a license.

6 The Department shall issue a license to an applicant
7 completing an application in accordance with Section 30 of this
8 Act if the person:

9 (1) is at least 21 years of age;

10 (2) has a currently valid Firearm Owner's
11 Identification Card and at the time of application meets
12 the requirements for the issuance of a Firearm Owner's
13 Identification Card and is not prohibited under the Firearm
14 Owners Identification Card Act or federal law from
15 possessing or receiving a firearm;

16 (3) has not been convicted or found guilty in this
17 State or in any other state of:

18 (A) a misdemeanor involving the use or threat of
19 physical force or violence to any person within the 5
20 years preceding the date of the license application; or

21 (B) 2 or more violations related to driving while
22 under the influence of alcohol, other drug or drugs,
23 intoxicating compound or compounds, or any combination
24 thereof, within the 5 years preceding the date of the

1 license application; ~~and~~

2 (4) is not the subject of a pending arrest warrant,
3 prosecution, or proceeding for an offense or action that
4 could lead to disqualification to own or possess a firearm;

5 (5) has not been in residential or court-ordered
6 treatment for alcoholism, alcohol detoxification, or drug
7 treatment within the 5 years immediately preceding the date
8 of the license application; and

9 (6) has completed firearms training and any education
10 component required under Section 75 of this Act.

11 (Source: P.A. 98-63, eff. 7-9-13; revised 11-12-13.)

12 (430 ILCS 66/35)

13 Sec. 35. Investigation of the applicant.

14 The Department shall conduct a background check of the
15 applicant to ensure compliance with the requirements of this
16 Act and all federal, State, and local laws. The background
17 check shall include a search of the following:

18 (1) the National Instant Criminal Background Check
19 System of the Federal Bureau of Investigation;

20 (2) all available state and local criminal history
21 record information files, including records of juvenile
22 adjudications;

23 (3) all available federal, state, and local records
24 regarding wanted persons;

25 (4) all available federal, state, and local records of

1 domestic violence restraining and protective orders;

2 (5) the files of the Department of Human Services
3 relating to mental health and developmental disabilities;
4 and

5 (6) all other available records of a federal, state, or
6 local agency or other public entity in any jurisdiction
7 likely to contain information relevant to whether the
8 applicant is prohibited from purchasing, possessing, or
9 carrying a firearm under federal, state, or local law.

10 ~~(7)~~ Fingerprints collected under Section 30 shall be
11 checked against the Department of State Police and Federal
12 Bureau of Investigation criminal history record databases now
13 and hereafter filed. The Department shall charge applicants a
14 fee for conducting the criminal history records check, which
15 shall be deposited in the State Police Services Fund and shall
16 not exceed the actual cost of the records check.

17 (Source: P.A. 98-63, eff. 7-9-13; revised 11-12-13.)

18 (430 ILCS 66/50)

19 Sec. 50. License renewal. Applications for renewal of a
20 license shall be made to the Department. A license shall be
21 renewed for a period of 5 years upon receipt of a completed
22 renewal application, completion of 3 hours of training required
23 under Section 75 of this Act ~~Section~~, payment of the applicable
24 renewal fee, and completion of an investigation under Section
25 35 of this Act. The renewal application shall contain the

1 information required in Section 30 of this Act, except that the
2 applicant need not resubmit a full set of fingerprints.

3 (Source: P.A. 98-63, eff. 7-9-13; revised 11-12-13.)

4 (430 ILCS 66/70)

5 Sec. 70. Violations.

6 (a) A license issued or renewed under this Act shall be
7 revoked if, at any time, the licensee is found to be ineligible
8 for a license under this Act or the licensee no longer meets
9 the eligibility requirements of the Firearm Owners
10 Identification Card Act.

11 (b) A license shall be suspended if an order of protection,
12 including an emergency order of protection, plenary order of
13 protection, or interim order of protection under Article 112A
14 of the Code of Criminal Procedure of 1963 or under the Illinois
15 Domestic Violence Act of 1986, is issued against a licensee for
16 the duration of the order, or if the Department is made aware
17 of a similar order issued against the licensee in any other
18 jurisdiction. If an order of protection is issued against a
19 licensee, the licensee shall surrender the license, as
20 applicable, to the court at the time the order is entered or to
21 the law enforcement agency or entity serving process at the
22 time the licensee is served the order. The court, law
23 enforcement agency, or entity responsible for serving the order
24 of protection shall notify the Department within 7 days and
25 transmit the license to the Department.

1 (c) A license is invalid upon expiration of the license,
2 unless the licensee has submitted an application to renew the
3 license, and the applicant is otherwise eligible to possess a
4 license under this Act.

5 (d) A licensee shall not carry a concealed firearm while
6 under the influence of alcohol, other drug or drugs,
7 intoxicating compound or combination of compounds, or any
8 combination thereof, under the standards set forth in
9 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

10 A licensee in violation of this subsection (d) shall be
11 guilty of a Class A misdemeanor for a first or second violation
12 and a Class 4 felony for a third violation. The Department may
13 suspend a license for up to 6 months for a second violation and
14 shall permanently revoke a license for a third violation.

15 (e) Except as otherwise provided, a licensee in violation
16 of this Act shall be guilty of a Class B misdemeanor. A second
17 or subsequent violation is a Class A misdemeanor. The
18 Department may suspend a license for up to 6 months for a
19 second violation and shall permanently revoke a license for 3
20 or more violations of Section 65 of this Act. Any person
21 convicted of a violation under this Section shall pay a \$150
22 fee to be deposited into the Mental Health Reporting Fund, plus
23 any applicable court costs or fees.

24 (f) A licensee convicted or found guilty of a violation of
25 this Act who has a valid license and is otherwise eligible to
26 carry a concealed firearm shall only be subject to the

1 penalties under this Section and shall not be subject to the
2 penalties under Section 21-6, paragraph (4), (8), or (10) of
3 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
4 of paragraph (3) of subsection (a) of Section 24-1.6 of the
5 Criminal Code of 2012. Except as otherwise provided in this
6 subsection, nothing in this subsection prohibits the licensee
7 from being subjected to penalties for violations other than
8 those specified in this Act.

9 (g) A licensee whose license is revoked, suspended, or
10 denied shall, within 48 hours of receiving notice of the
11 revocation, suspension, or denial, surrender his or her
12 concealed carry license to the local law enforcement agency
13 where the person resides. The local law enforcement agency
14 shall provide the licensee a receipt and transmit the concealed
15 carry license to the Department of State Police. If the
16 licensee whose concealed carry license has been revoked,
17 suspended, or denied fails to comply with the requirements of
18 this subsection, the law enforcement agency where the person
19 resides may petition the circuit court to issue a warrant to
20 search for and seize the concealed carry license in the
21 possession and under the custody or control of the licensee
22 whose concealed carry license has been revoked, suspended, or
23 denied. The observation of a concealed carry license in the
24 possession of a person whose license has been revoked,
25 suspended, or denied constitutes a sufficient basis for the
26 arrest of that person for violation of this subsection. A

1 violation of this subsection is a Class A misdemeanor.

2 (h) A license issued or renewed under this Act shall be
3 revoked if, at any time, the licensee is found ineligible for a
4 Firearm Owner's Identification Card, or the licensee no longer
5 possesses a valid Firearm Owner's Identification Card. A
6 licensee whose license is revoked under this subsection (h)
7 shall surrender his or her concealed carry license as provided
8 for in subsection (g) of this Section.

9 This subsection shall not apply to a person who has filed
10 an application with the State Police for renewal of a Firearm
11 Owner's Identification Card and who is not otherwise ineligible
12 to obtain a Firearm Owner's Identification Card.

13 (Source: P.A. 98-63, eff. 7-9-13; revised 11-12-13.)

14 Section 610. The Boiler and Pressure Vessel Safety Act is
15 amended by changing Section 5 as follows:

16 (430 ILCS 75/5) (from Ch. 111 1/2, par. 3206)

17 Sec. 5. Exemptions.

18 (a) This Act shall not apply to the following boilers and
19 pressure vessels:

20 (1) Boilers and pressure vessels under federal
21 regulations, except for boiler and pressure vessels in
22 nuclear facilities subject to Section 2a, and boilers and
23 pressure vessels located in cities of more than 500,000
24 inhabitants.

1 (2) Pressure vessels used for transportation and
2 storage of compressed or liquefied gases when constructed
3 in compliance with specifications of the Department of
4 Transportation and charged with gas or liquid, marked,
5 maintained, and periodically requalified for use, as
6 required by appropriate regulations of the Department of
7 Transportation.

8 (3) Pressure vessels located on vehicles operating
9 under the rules of other State authorities and used for
10 carrying passengers or freight.

11 (4) Pressure vessels installed on the right of way of
12 railroads and used directly in the operation of trains.

13 (5) Boilers and pressure vessels under the inspection
14 jurisdiction of the Department of Natural Resources and
15 located on mine property.

16 (6) Boilers and pressure vessels located on farms and
17 used solely for agricultural purposes.

18 (7) Steam boilers of a miniature model locomotive,
19 boat, tractor, or stationary engine constructed and
20 maintained as a hobby and not for commercial use, that have
21 an inside diameter not exceeding 12 inches and a grate area
22 not exceeding 1 1/2 square feet, provided they are
23 constantly attended while in operation and are equipped
24 with a water level indicator, pressure gauge, and a safety
25 valve of adequate capacity.

26 (8) Pressure vessels regulated and inspected under the

1 Illinois Fertilizer Act of 1961.

2 (9) Pressure vessels containing liquefied ~~liquified~~
3 petroleum gas regulated under the Liquefied ~~Liquified~~
4 Petroleum Gas Regulation Act.

5 (b) The following boilers and pressure vessels shall be
6 exempt from the requirements of Sections 10, 11, 12, and 13 of
7 this Act:

8 (1) Steam boilers used for heating purposes and
9 operated at a pressure not in excess of 15 pounds per
10 square inch gauge (psig) and having a rating not in excess
11 of 200,000 B.T.U. per hour input.

12 (2) Hot water heating boilers operated at a pressure
13 not in excess of 30 psig and having a rating not in excess
14 of 200,000 B.T.U. per hour.

15 (3) Boilers and pressure vessels, located in private
16 residences or in multi-family buildings having fewer than 6
17 dwelling units.

18 (4) Hot water supply boilers that are directly fired
19 with oil, gas, or electricity when none of the following
20 limitations are exceeded:

21 (A) Heat input of 200,000 BTU per hour.

22 (B) Water temperature of 200 degrees Fahrenheit.

23 (C) Nominal water containing capacity of 120 U.S.
24 gallons.

25 (5) Coil type hot water boilers where the water can
26 flash into steam when released directly to the atmosphere

1 through a manually operated nozzle provided the following
2 conditions are met:

3 (A) There is no drum, headers, or other steam
4 space.

5 (B) No steam is generated within the coil.

6 (C) Outside diameter of tubing does not exceed 1
7 inch.

8 (D) Pipe size does not exceed 3/4 inch NPS.

9 (E) Water capacity of unit does not exceed 6 U.S.
10 gallons.

11 (F) Water temperature does not exceed 350 degrees
12 Fahrenheit.

13 (6) Pressure vessels containing only water under
14 pressure for domestic supply purposes, including those
15 containing air, the compression of which serves only a
16 cushion or airlift pumping function.

17 (7) Pressure vessels operated at a pressure not
18 exceeding 15 psig with no limitation on size.

19 (8) Pressure vessels that do not exceed:

20 (A) Both a volume of 15 cubic feet and 250 psig
21 when not located in a place of public assembly.

22 (B) Both a volume of 5 cubic and 250 psig when
23 located in a place of public assembly.

24 (C) A volume of 1 1/2 cubic feet or an inside
25 diameter of 6 inches with no limitation on pressure.

26 (9) Water conditioning equipment used for the removal

1 of minerals, chemicals, or organic or inorganic particles
2 from water by means other than application of heat
3 including, without limitation, water softeners, water
4 filters, dealkalizers, and demineralizers.

5 (10) Steam boilers of railroad locomotives and
6 traction engines built prior to 1955 that were constructed
7 or operated in compliance with the Federal Locomotive
8 Inspection Law and are in the permanent collection of a
9 museum or historical association are exempt from the
10 requirements of subsection (c) of Section 10 upon proof of
11 such construction or inspection being furnished to the
12 Board.

13 (c) (Blank).

14 (Source: P.A. 94-748, eff. 5-8-06; revised 11-12-13.)

15 Section 615. The Carnival and Amusement Rides Safety Act is
16 amended by changing Sections 2-8.1, 2-12, and 2-15 as follows:

17 (430 ILCS 85/2-8.1)

18 Sec. 2-8.1. Suspension and revocation of permit to operate.

19 (a) The Department shall have the power to suspend or
20 revoke an owner's permit for any good cause under the meaning
21 and purpose of this Act. If a person whose permit has been
22 suspended or revoked, or whose application for a permit has
23 been denied, believes that the violation or condition
24 justifying suspension, revocation, or denial of the permit does

1 not exist, the person may apply to the Department for
2 reconsideration through a hearing within 10 working days after
3 the Department's action. A hearing shall be scheduled, unless
4 otherwise mutually agreed by the parties, within 48 hours after
5 the request for hearing.

6 (b) Service of notice of a hearing shall be made by
7 personal service or certified mail to the address shown on the
8 application for permit, or to any other address on file with
9 the Department and reasonably believed to be the current
10 address of the permit holder.

11 (c) The written notice of a hearing shall specify the time,
12 date, and location of the hearing and the reasons for the
13 action proposed by the Department.

14 (d) At the hearing, the Department shall have the burden of
15 establishing good cause for its action. Good cause exists if
16 the Department establishes that the permit holder has failed to
17 comply with the requirements of a permit under this Act and its
18 rules.

19 (e) All hearings held under this Section shall comply with
20 Article 10 of the Illinois Administrative Procedure Act and the
21 Department's rules of procedure in administrative hearings,
22 except that formal discovery, such as production requests,
23 interrogatories, requests to admit, and depositions shall not
24 be allowed. The parties shall exchange documents and witness
25 lists prior to hearing and may request third party subpoenas to
26 be issued.

1 (f) The final determination by the Department of Labor
2 shall be rendered within 5 working days after the conclusion of
3 the hearing.

4 (g) Final determinations made under this Section are
5 subject to the Administrative Review Law.

6 (Source: P.A. 98-541, eff. 8-23-13; revised 11-14-13.)

7 (430 ILCS 85/2-12) (from Ch. 111 1/2, par. 4062)

8 Sec. 2-12. Order for cessation of operation of amusement
9 ride or attraction.

10 (a) The Department of Labor may order, in writing, a
11 temporary and immediate cessation of operation of any amusement
12 ride or amusement attraction if it:

13 (1) has been determined after inspection to be
14 hazardous or unsafe;

15 (2) is in operation before the Director has issued a
16 permit to operate such equipment; or

17 (3) the owner or operator is not in compliance with the
18 insurance requirements contained in Section 2-14 of this
19 Act and any rules or regulations adopted hereunder.

20 (b) Operation of the amusement ride or amusement attraction
21 shall not resume until:

22 (1) the unsafe or hazardous condition is corrected to
23 the satisfaction of the Director or such inspector;

24 (2) the Director has issued a permit to operate such
25 equipment; or

1 (3) the owner or operator is in compliance with the
2 insurance requirements contained in Section 2-14 of this
3 Act and any rules or regulations adopted hereunder,
4 respectively.

5 (c) The Department shall notify the owner or operator in
6 writing of the grounds for the cessation of operation of the
7 amusement ride or attraction and of the conditions in need of
8 correction at the time the order for cessation is issued.

9 (d) The owner or operator may appeal an order of cessation
10 by filing a request for a hearing. The Department shall afford
11 the owner or operator 10 working days after the date of the
12 notice to request a hearing. Upon written request for hearing,
13 the Department shall schedule a formal administrative hearing
14 in compliance with Article 10 of the Illinois Administrative
15 Procedure Act and pursuant to the provisions of the
16 Department's rules of procedure in administrative hearings,
17 except that formal discovery, such as production requests,
18 interrogatories, requests to admit, and depositions will not be
19 allowed. The parties shall exchange documents and witness lists
20 prior to hearing and may request third party subpoenas to be
21 issued.

22 (e) The final determination by the Department of Labor
23 shall be rendered within 5 working days after the conclusion of
24 the hearing.

25 (f) The provisions of the Administrative Review Law shall
26 apply to and govern all proceedings for the judicial review of

1 a final determination under this Section.

2 (Source: P.A. 98-541, eff. 8-23-13; revised 11-15-13.)

3 (430 ILCS 85/2-15) (from Ch. 111 1/2, par. 4065)

4 Sec. 2-15. Penalties.

5 (a) Criminal penalties.

6 1. Any person who operates an amusement ride or
7 amusement attraction at a carnival or fair without having
8 obtained a permit from the Department or who violates any
9 order or rule issued by the Department under this Act is
10 guilty of a Class A misdemeanor. Each day shall constitute
11 a separate and distinct offense.

12 2. Any person who interferes with, impedes, or
13 obstructs in any manner the Director or any authorized
14 representative of the Department in the performance of
15 their duties under this Act is guilty of a Class A
16 misdemeanor.

17 (b) Civil penalties. Unless otherwise provided in this Act,
18 any person who operates an amusement ride or amusement
19 attraction without having obtained a permit from the Department
20 in violation of this Act is subject to a civil penalty not to
21 exceed \$2,500 per violation for a first violation and not to
22 exceed \$5,000 for a second or subsequent violation.

23 Prior to any determination, or the imposition of any civil
24 penalty, under this subsection (b), the Department shall notify
25 the operator in writing of the alleged violation. The

1 Department shall afford the operator 10 working days after the
2 date of the notice to request a hearing. Upon written request
3 of the operator, the Department shall schedule a formal
4 administrative hearing in compliance with Article 10 of the
5 Illinois Administrative Procedure Act and the Department's
6 rules of procedure in administrative hearings, except that
7 formal discovery, such as production requests,
8 interrogatories, requests to admit, and depositions shall not
9 be allowed. The parties shall exchange documents and witness
10 lists prior to hearing and may request third party subpoenas to
11 be issued. The final determination by the Department of Labor
12 shall be rendered within 5 working days after the conclusion of
13 the hearing. Final determinations made under this Section are
14 subject to the provisions of the Administrative Review Law. In
15 determining the amount of a penalty, the Director may consider
16 the appropriateness of the penalty to the person or entity
17 charged, upon determination of the gravity of the violation.
18 The penalties, when finally determined, may be recovered in a
19 civil action brought by the Director of Labor in any circuit
20 court. In this litigation, the Director of Labor shall be
21 represented by the Attorney General.

22 (Source: P.A. 98-541, eff. 8-23-13; revised 11-15-13.)

23 Section 620. The Agricultural Production Contract Code is
24 amended by changing Section 50 as follows:

1 (505 ILCS 17/50)

2 Sec. 50. Enforcement; offenses; remedies. The Attorney
3 General is primarily responsible for enforcing this Act.

4 A violation of Section 20, 25, 30, or 35 is a business
5 offense under the Unified Code of Corrections punishable by a
6 fine of not more than \$10,000 per offense.

7 A producer may recover his or her actual damages for a
8 contractor's violation of Section 40 or 45 of this Act.

9 (Source: P.A. 93-522, eff. 1-1-05; 93-815, eff. 1-1-05; revised
10 11-14-13.)

11 Section 625. The Illinois AgriFIRST Program Act of 2001 is
12 amended by changing Section 5 as follows:

13 (505 ILCS 19/5)

14 Sec. 5. Definitions. In this Act:

15 "Agribusiness" means any sole proprietorship, limited
16 partnership, co-partnership, joint venture, corporation, or
17 cooperative that operates or will operate a facility located
18 within the State of Illinois that is related to the processing
19 of agricultural commodities (including, but not limited to, the
20 products of aquaculture, hydroponics, and silviculture) or the
21 manufacturing, production, or construction of agricultural
22 buildings, structures, equipment, implements, and supplies, or
23 any other facilities or processes used in agricultural
24 production. "Agribusiness" includes but is not limited to the

1 following:

2 (1) grain handling and processing, including grain
3 storage, drying, treatment, conditioning, milling, and
4 packaging;

5 (2) seed and feed grain development and processing;

6 (3) fruit and vegetable processing, including
7 preparation, canning, and packaging;

8 (4) processing of livestock and livestock products,
9 dairy products, poultry and poultry products, fish or
10 apiarian products, including slaughter, shearing,
11 collecting, preparation, canning, and packaging;

12 (5) fertilizer and agricultural chemical
13 manufacturing, processing, application and supplying;

14 (6) farm machinery, equipment, and implement
15 manufacturing and supplying;

16 (7) manufacturing and supplying of agricultural
17 commodity processing machinery and equipment, including
18 machinery and equipment used in slaughter, treatment,
19 handling, collecting, preparation, canning, or packaging
20 of agricultural commodities;

21 (8) farm building and farm structure manufacturing,
22 construction, and supplying;

23 (9) construction, manufacturing, implementation,
24 supplying, or servicing of irrigation, drainage, and soil
25 and water conservation devices or equipment;

26 (10) fuel processing and development facilities that

1 produce fuel from agricultural commodities or by-products;

2 (11) facilities and equipment for processing and
3 packaging agricultural commodities specifically for
4 export;

5 (12) facilities and equipment for forestry product
6 processing and supplying, including sawmilling operations,
7 wood chip operations, timber harvesting operations, and
8 manufacturing of prefabricated buildings, paper,
9 furniture, or other goods from forestry products; and

10 (13) facilities and equipment for research and
11 development of products, processes, and equipment for the
12 production, processing, preparation, or packaging of
13 agricultural commodities and by-products.

14 "Agricultural facility" means land, any building or other
15 improvement on or to land, and any personal properties deemed
16 necessary or suitable for use, whether or not now in existence,
17 in farming, ranching, the production of agricultural
18 commodities (including, but not limited to, the products of
19 aquaculture, hydroponics, and silviculture) or the treating,
20 processing, or storing of agricultural commodities.

21 "Agricultural land" means land suitable for agriculture
22 production.

23 "Asset" includes, but is not limited to, the following:
24 cash crops or feed on hand; livestock held for sale; breeding
25 stock; marketable bonds and securities; securities not readily
26 marketable; accounts receivable; notes receivable; cash

1 invested in growing crops; net cash value of life insurance;
2 machinery and equipment; cars and trucks; farm and other real
3 estate including life estates and personal residence; value of
4 beneficial interest in trusts; government payments or grants;
5 and any other assets.

6 "Department" means the Department of Agriculture.

7 "Director" means the Director of Agriculture.

8 "Fund" means the Illinois AgriFIRST Program Fund.

9 "Grantee" means the person or entity to whom a grant is
10 made ~~to~~ from the Fund.

11 "Lender" means any federal or State chartered bank, federal
12 land bank, production credit association, bank for
13 cooperatives, federal or state chartered savings and loan
14 association or building and loan association, small business
15 investment company, or any other institution qualified within
16 this State to originate and service loans, including, but not
17 limited to, insurance companies, credit unions, and mortgage
18 loan companies. "Lender" includes a wholly owned subsidiary of
19 a manufacturer, seller or distributor of goods or services that
20 makes loans to businesses or individuals, commonly known as a
21 "captive finance company".

22 "Liability" includes, but is not limited to, the following:
23 accounts payable; notes or other indebtedness owed to any
24 source; taxes; rent; amounts owed on real estate contracts or
25 real estate mortgages; judgments; accrued interest payable;
26 and any other liability.

1 "Person" means, unless limited to a natural person by the
2 context in which it is used, a person, corporation,
3 association, trust, partnership, limited partnership, joint
4 venture, or cooperative.

5 "State" means the State of Illinois.

6 "Value-added" means the processing, packaging, or
7 otherwise enhancing the value of farm and agricultural products
8 or by-products produced in Illinois.

9 (Source: P.A. 92-346, eff. 8-14-01; revised 9-24-13.)

10 Section 630. The Illinois Fertilizer Act of 1961 is amended
11 by changing Sections 3, 4, 6, and 12 as follows:

12 (505 ILCS 80/3) (from Ch. 5, par. 55.3)

13 Sec. 3. Definitions of words and terms. When used in this
14 Act unless the context otherwise requires:

15 "AAPFCO" means the Association of American Plant Food
16 Control Officials.

17 "Adulterated" shall apply to any fertilizer:

18 (i) that contains any deleterious or harmful
19 substance, defined under the provisions of this Act or its
20 rules or regulations, in sufficient amount to render it
21 injurious to beneficial plant life, animals, humans,
22 aquatic life, soil, or water when applied in accordance
23 with directions for use on the label;

24 (ii) when its composition falls below or differs from

1 that which it is purported to possess by its labeling;

2 (iii) that contains unwanted crop seed or weed seed.

3 "Anhydrous ammonia" means the compound formed by the
4 combination of 2 gaseous elements, nitrogen and hydrogen, in
5 the proportion of one part of nitrogen to 3 parts of hydrogen
6 (NH₃) by volume. Anhydrous ammonia is a fertilizer of ammonia
7 gas in compressed and liquified form. It is not aqueous ammonia
8 which is a solution of ammonia gas in water and which is
9 considered a low-pressure nitrogen solution.

10 "Blender" means any entity or system engaged in the
11 business of blending fertilizer. This includes both mobile and
12 fixed equipment, excluding application equipment, used to
13 achieve this function.

14 "Blending" means the physical mixing or combining of: one
15 or more fertilizer materials and one or more filler materials;
16 2 or more fertilizer materials; 2 or more fertilizer materials
17 and filler materials, including mixing through the
18 simultaneous or sequential application of any of the outlined
19 combinations listed in this definition, to produce a uniform
20 mixture.

21 "Brand" means a term, design, or trademark used in
22 connection with one or several grades of fertilizers.

23 "Bulk" means any fertilizer distributed in a single
24 container greater than 100 pounds.

25 "Consumer or end user" means the final purchaser prior to
26 application.

1 "Custom blend" means a fertilizer blended according to
2 specifications provided to a blender in a soil test nutrient
3 recommendation or to meet the specific consumer request prior
4 to blending.

5 "Custom blender" means any entity who produces and sells
6 custom blended fertilizers.

7 "Deficiency" means the amount of nutrient found by analysis
8 less than that guaranteed that may result from a lack of
9 nutrient ingredients or from lack of uniformity.

10 "Department" means the Illinois Department of Agriculture.

11 "Department rules or regulations" means any rule or
12 regulation implemented by the Department as authorized under
13 Section 14 of this Act.

14 "Director" means the Director of Agriculture or a duly
15 authorized representative.

16 "Distribute" means to import, consign, manufacture,
17 produce, store, transport, custom blend, compound, or blend
18 fertilizer or to transfer from one container to another for the
19 purpose of selling, giving away, bartering, or otherwise
20 supplying fertilizer in this State.

21 "Distributor" means any entity that ~~who~~ distributes
22 fertilizer.

23 "Entity" means any individual, partnership, association,
24 firm, or corporation.

25 "Fertilizer" means any substance containing one or more of
26 the recognized plant nutrient nitrogen, phosphate, potash, or

1 those defined under 8 Ill. Adm. Code 210.20 that is used for
2 its plant nutrient content and that is designed for use or
3 claimed to have value in promoting plant growth, except
4 unmanipulated animal and vegetable manures, sea solids, marl,
5 lime, limestone, wood ashes, and other products exempted by
6 regulation by the Director.

7 "Fertilizer material" means a fertilizer that either:

8 (A) contains important quantities of no more than one
9 of the primary plant nutrients: nitrogen (N), phosphate
10 (P_2O_5), and potash (K_2O);

11 (B) has 85% or more of its plant nutrient content
12 present in the form of a single chemical compound; or

13 (C) is derived from a plant or animal residue or
14 by-product or natural material deposit that has been
15 processed in such a way that its content of plant nutrients
16 has not been materially changed except by purification and
17 concentration.

18 "Grade" means the minimum percentage of total nitrogen,
19 available phosphate (P_2O_5), and soluble potash (K_2O) stated in
20 the whole numbers in the same terms, order, and percentages as
21 in the guaranteed analysis, provided that specialty
22 fertilizers may be guaranteed in fractional units of less than
23 1% of total nitrogen, available phosphate, and soluble potash
24 and that fertilizer materials, bone meal, manures, and similar
25 materials may be guaranteed in fractional units.

26 "Guaranteed analysis" means the minimum percentages of

1 plant nutrients claimed in the following order and form:

2 A. Total Nitrogen (N) %

3 Available Phosphate (P_2O_5) %

4 Soluble Potash (K_2O) %

5 B. For unacidulated mineral phosphatic materials and
6 basic slag, both total and available phosphate and the
7 degree of fineness. For bone, tankage, and other organic
8 phosphatic materials, total phosphate.

9 C. Guarantees for plant nutrients other than nitrogen,
10 phosphate, and potash may be permitted or required by
11 regulation by the Director. The guarantees for such other
12 nutrients shall be expressed in the form of the element.

13 "Investigational allowance" means an allowance for
14 variations inherent in the taking, preparation, and analysis of
15 an official sample of fertilizer.

16 "Label" means the display of all written, printed, or
17 graphic matter upon the immediate container or a statement
18 accompanying a fertilizer.

19 "Labeling" means all (i) written, printed, or graphic
20 matter upon or accompanying any fertilizer or (ii)
21 advertisements, Internet, brochures, posters, and television
22 and radio announcements used in promoting the sale of
23 fertilizer.

24 "Lot" means an identifiable quantity of fertilizer that can
25 be sampled according to AOAC International procedures, such as
26 the amount contained in a single vehicle, the amount delivered

1 under a single invoice, or in the case of bagged fertilizer,
2 not more than 25 tons.

3 "Low-pressure nitrogen solution" means a solution
4 containing 2 per cent or more by weight of free ammonia and/or
5 having vapor pressure of 5 pounds or more per square inch gauge
6 at 104 degrees Fahrenheit ~~104° F.~~

7 "Misbranded" shall apply to any fertilizer:

8 (i) with labeling that is false or misleading in any
9 particular;

10 (ii) that is distributed under the name of another
11 fertilizer product;

12 (iii) that is not labeled as required by this Act or
13 its rules; or

14 (iv) that ~~which~~ purports to be or is represented as a
15 fertilizer, or is represented as containing a plant
16 nutrient or fertilizer unless such plant nutrient or
17 fertilizer conforms to the definition of identity, if any,
18 prescribed by regulation.

19 "Mixed fertilizer" means any combination or mixture of
20 fertilizer materials designed for use or claimed to have value
21 in promoting plant growth.

22 "NREC" means the Nutrient Research and Education Council.

23 "Official sample" means any sample of fertilizer taken by
24 the Director or his or her agent and designated as official by
25 the Director.

26 "Per cent" or "percentage" means the percentage by weight.

1 "Registrant" means the entity that ~~who~~ registers
2 fertilizer and obtains a license under the provisions of this
3 Act.

4 "Specialty fertilizer" means a fertilizer distributed
5 primarily for nonfarm use, such as home gardens, lawns,
6 shrubbery, flowers, golf courses, municipal parks, cemeteries,
7 green houses and nurseries, and may include fertilizer used for
8 research or experimental purposes.

9 "Ton" means a net weight of 2,000 pounds avoirdupois.

10 "Unit" means 20 pounds or 1% of a ton of plant nutrient.

11 (Source: P.A. 97-960, eff. 8-15-12; revised 11-18-13.)

12 (505 ILCS 80/4) (from Ch. 5, par. 55.4)

13 Sec. 4. License and product registration.

14 (a) Each brand and grade of fertilizer shall be registered
15 by the entity whose name appears upon the label before being
16 distributed in this State. The application for registration
17 shall be submitted with a label or facsimile of same to the
18 Director on forms furnished by the Director, and shall be
19 accompanied by a fee of \$20 per grade within a brand. Upon
20 approval by the Director a copy of the registration shall be
21 furnished to the applicant. All registrations expire on
22 December 31 of each year.

23 The application shall include the following information:

24 (1) The net weight

25 (2) The brand and grade

1 (3) The guaranteed analysis

2 (4) The name and address of the registrant.

3 (a-5) No entity whose name appears on the label shall
4 distribute a fertilizer in the State unless the entity has
5 secured a license under this Act on forms provided by the
6 Director. The license application shall be accompanied by a fee
7 of \$100. Entities that ~~who~~ store anhydrous ammonia as a
8 fertilizer, store bulk fertilizer, or custom blend a fertilizer
9 at more than one site under the same entity's name shall list
10 any and all additional sites with a complete address for each
11 site and remit a license fee of \$50 for each site identified.
12 Entities performing lawn care applications for hire are exempt
13 from obtaining a license under this Act. All licenses expire on
14 December 31 of each year.

15 (b) A distributor shall not be required to register any
16 brand of fertilizer or a custom blend which is already
17 registered under this Act by another entity.

18 (c) The plant nutrient content of each and every fertilizer
19 must remain uniform for the period of registration and, in no
20 case, shall the percentage of any guaranteed plant nutrient
21 element be changed in such a manner that the crop-producing
22 quality of the fertilizer is lowered.

23 (d) (Blank).

24 (e) A custom blend, as defined in Section 3, prepared for
25 one consumer or end user shall not be co-mingled with the
26 custom blended fertilizer prepared for another consumer or end

1 user.

2 (f) All fees collected pursuant to this Section shall be
3 paid to the Fertilizer Control Fund for activities related to
4 the administration and enforcement of this Act.

5 (Source: P.A. 97-960, eff. 8-15-12; revised 11-18-13.)

6 (505 ILCS 80/6) (from Ch. 5, par. 55.6)

7 Sec. 6. Inspection fees.

8 (a) There shall be paid to the Director for all fertilizers
9 distributed in this State an inspection fee at the rate of 25¢
10 per ton with a minimum inspection fee of \$15. Sales or
11 exchanges between registrants are hereby exempted from the
12 inspection fee.

13 On individual packages of fertilizers containing 5 pounds
14 or less, or if in liquid form containers of 4,000 cubic
15 centimeters or less, there shall be paid instead of the 25¢ per
16 ton inspection fee, an annual inspection fee of \$50 for each
17 grade within a brand sold or distributed. Where an entity sells
18 fertilizers in packages of 5 pounds or less, or 4,000 cubic
19 centimeters or less if in liquid form, and also sells in larger
20 packages than 5 pounds or liquid containers larger than 4,000
21 cubic centimeters, this annual inspection fee of \$50 applies
22 only to that portion sold in packages of 5 pounds or less or
23 4,000 cubic centimeters or less, and that portion sold in
24 larger packages or containers shall be subject to the same
25 inspection fee of 25¢ per ton as provided in this Act.

1 (b) Every entity that ~~who~~ distributes a fertilizer, custom
2 blend, or speciality fertilizer in this State shall file with
3 the Director, on forms furnished by the Director, a semi-annual
4 statement for the periods ending June 30 and December 31,
5 setting forth the number of net tons of each grade of
6 fertilizers within a brand or the net tons of custom blend
7 distributed. The report shall be due on or before the 30th day
8 of the month following the close of each semi-annual period and
9 upon the statement shall pay the inspection fee at the rate
10 stated in paragraph (a) of this Section.

11 If the tonnage report is not filed and the payment of
12 inspection fee is not made within 30 days after the end of the
13 semi-annual period, a collection fee amounting to 15% (minimum
14 \$15) of the amount shall be assessed against the registrant.
15 The amount of fees due shall constitute a debt and become the
16 basis of a judgment against the registrant. Upon the written
17 request to the Director additional time may be granted past the
18 normal date of filing the semi-annual statement.

19 (c) When more than one entity is involved in the
20 distribution of a fertilizer, the last registrant who
21 distributes to the consumer or end user ~~end-user~~ is responsible
22 for reporting the tonnage and paying the inspection fee.

23 (d) All fees collected under this Section shall be paid to
24 the Fertilizer Control Fund for activities related to the
25 administration and enforcement of this Act.

26 (Source: P.A. 97-960, eff. 8-15-12; revised 11-18-13.)

1 (505 ILCS 80/12) (from Ch. 5, par. 55.12)

2 Sec. 12. Tonnage reports; records.

3 (a) Any entity distributing fertilizer to a consumer or end
4 user ~~end-user~~ in this State shall provide the Director with a
5 summary report on or before the 10th day of each month covering
6 the shipments made during the preceding month of tonnage on a
7 form, provided by the Director, for that purpose.

8 Specialty fertilizer sold in packages weighing 5 pounds or
9 less or in container of 4000 cubic centimeters or less, shall
10 be reported but no inspection fee will be charged. No
11 information furnished under this Section shall be disclosed by
12 the Department in such a way as to divulge the operation of any
13 entity.

14 (b) Each entity location engaged in the sale of ammonium
15 nitrate shall obtain the following information upon its
16 distribution:

17 (1) the date of distribution;

18 (2) the quantity purchased;

19 (3) the license number of the purchaser's valid State
20 or federal driver's license, or an equivalent number taken
21 from another form of picture identification approved for
22 purchaser identification by the Director; and

23 (4) the purchaser's name, current physical address,
24 and telephone number.

25 Any retailer of ammonium nitrate may refuse to sell

1 ammonium nitrate to any person attempting to purchase ammonium
2 nitrate (i) out of season, (ii) in unusual quantities, or (iii)
3 under suspect purchase patterns.

4 (c) Records created under subsection (b) of this Section
5 shall be maintained for a minimum of 2 years. Such records
6 shall be available for inspection, copying, and audit by the
7 Department as provided under this Act.

8 (Source: P.A. 97-960, eff. 8-15-12; revised 11-18-13.)

9 Section 635. The Animal Control Act is amended by changing
10 Section 2 as follows:

11 (510 ILCS 5/2) (from Ch. 8, par. 352)

12 Sec. 2. As used in this Act, unless the context otherwise
13 requires, the terms specified in the Sections following this
14 Section and preceding Section 3 ~~Sections 2.01 through 2.19~~ have
15 the meanings ascribed to them in those Sections.

16 (Source: P.A. 78-795; revised 11-18-13.)

17 Section 640. The Bees and Apiaries Act is amended by
18 changing Section 2-1 as follows:

19 (510 ILCS 20/2-1)

20 Sec. 2-1. Nuisances. All bees, colonies, or items of bee
21 equipment, where bee diseases, bee parasites or exotic strains
22 of bees exist; or hives that cannot be readily inspected; or

1 colonies that are not registered, are declared to be nuisances
2 to be regulated as prescribed by the Department.

3 If the Department finds by inspection that any person is
4 maintaining a nuisance as described in this Section, it shall
5 proceed to regulate the nuisance by methods or procedures
6 deemed necessary for control in accordance with rules and
7 regulations of the Department.

8 If the owner or beekeeper cannot be found or will not
9 consent to the terms for regulation of the nuisance, the
10 Department shall notify in writing the owner or beekeeper,
11 disclose the fact that a nuisance exists, ~~exists~~ and prescribe
12 the method by which the nuisance may be abated. The notice
13 declaring that a nuisance exists and ordering its abatement
14 shall include:

15 (1) a statement of conditions constituting the
16 nuisance;

17 (2) establishment of the time period within which the
18 nuisance is to be abated;

19 (3) directions, written or printed, pointing out the
20 methods that shall be employed to abate the nuisance;

21 (4) a statement of the consequences should the owner or
22 beekeeper fail to comply.

23 The notice may be served personally or by certified mail
24 with a return receipt requested. The directions for abatement
25 of a nuisance may consist of a printed circular, bulletin or
26 report of the Department, the United States Department of

1 Agriculture or others, or an extract from such document.

2 If the person so notified refuses or fails to abate the
3 nuisance in the manner and in the time prescribed in the
4 notice, the Department may cause the nuisance to be abated. The
5 Department shall certify, to the owner or beekeeper, the cost
6 of the abatement. The owner or beekeeper shall pay to the
7 Department any costs of that action, within 60 days after
8 certification that the nuisance has been abated. If the costs
9 of abatement are not remitted, the Department may recover the
10 costs before any court in the State having competent
11 jurisdiction.

12 (Source: P.A. 88-138; revised 11-19-13.)

13 Section 645. The Wildlife Code is amended by changing
14 Sections 1.2 and 2.33 as follows:

15 (520 ILCS 5/1.2) (from Ch. 61, par. 1.2)

16 Sec. 1.2. This Act shall be administered by and under the
17 direction of the Department of Natural Resources. As used in
18 this Act, unless the context otherwise requires, the terms
19 specified in the Sections following this Section and preceding
20 Section 1.3 ~~Sections 1.2a through 1.2t~~ have the meanings
21 ascribed to them in those Sections.

22 (Source: P.A. 89-445, eff. 2-7-96; revised 11-19-13.)

23 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

1 Sec. 2.33. Prohibitions.

2 (a) It is unlawful to carry or possess any gun in any State
3 refuge unless otherwise permitted by administrative rule.

4 (b) It is unlawful to use or possess any snare or
5 snare-like device, deadfall, net, or pit trap to take any
6 species, except that snares not powered by springs or other
7 mechanical devices may be used to trap fur-bearing mammals, in
8 water sets only, if at least one-half of the snare noose is
9 located underwater at all times.

10 (c) It is unlawful for any person at any time to take a
11 wild mammal protected by this Act from its den by means of any
12 mechanical device, spade, or digging device or to use smoke or
13 other gases to dislodge or remove such mammal except as
14 provided in Section 2.37.

15 (d) It is unlawful to use a ferret or any other small
16 mammal which is used in the same or similar manner for which
17 ferrets are used for the purpose of frightening or driving any
18 mammals from their dens or hiding places.

19 (e) (Blank).

20 (f) It is unlawful to use spears, gigs, hooks or any like
21 device to take any species protected by this Act.

22 (g) It is unlawful to use poisons, chemicals or explosives
23 for the purpose of taking any species protected by this Act.

24 (h) It is unlawful to hunt adjacent to or near any peat,
25 grass, brush or other inflammable substance when it is burning.

26 (i) It is unlawful to take, pursue or intentionally harass

1 or disturb in any manner any wild birds or mammals by use or
2 aid of any vehicle or conveyance, except as permitted by the
3 Code of Federal Regulations for the taking of waterfowl. It is
4 also unlawful to use the lights of any vehicle or conveyance or
5 any light from or any light connected to the vehicle or
6 conveyance in any area where wildlife may be found except in
7 accordance with Section 2.37 of this Act; however, nothing in
8 this Section shall prohibit the normal use of headlamps for the
9 purpose of driving upon a roadway. Striped skunk, opossum, red
10 fox, gray fox, raccoon and coyote may be taken during the open
11 season by use of a small light which is worn on the body or
12 hand-held by a person on foot and 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 protected
15 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 for
22 in Section 2.26 and other species as provided for by subsection
23 (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 with
10 a one piece plug that is irremovable without dismantling the
11 shotgun or otherwise altered to render it incapable of holding
12 more than 3 shells in the magazine and chamber, combined.

13 (n) It is unlawful for any person, except persons who
14 possess a permit to hunt from a vehicle as provided in this
15 Section and persons otherwise permitted by law, to have or
16 carry any gun in or on any vehicle, conveyance or aircraft,
17 unless such gun is unloaded and enclosed in a case, except that
18 at field trials authorized by Section 2.34 of this Act,
19 unloaded guns or guns loaded with blank cartridges only, may be
20 carried on horseback while not contained in a case, or to have
21 or carry any bow or arrow device in or on any vehicle unless
22 such bow or arrow device is unstrung or enclosed in a case, or
23 otherwise made inoperable.

24 (o) It is unlawful to use any crossbow for the purpose of
25 taking any wild birds or mammals, except as provided for in
26 Section 2.5.

1 (p) It is unlawful to take game birds, migratory game birds
2 or migratory waterfowl with a rifle, pistol, revolver or
3 airgun.

4 (q) It is unlawful to fire a rifle, pistol, revolver or
5 airgun 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, intentionally or
15 wantonly allow a dog to hunt, within or upon the land of
16 another, or upon waters flowing over or standing on the land of
17 another, or to knowingly shoot a gun or bow and arrow device at
18 any wildlife physically on or flying over the property of
19 another without first obtaining permission from the owner or
20 the owner's designee. For the purposes of this Section, the
21 owner's designee means anyone who the owner designates in a
22 written authorization and the authorization must contain (i)
23 the legal or common description of property for such authority
24 is given, (ii) the extent that the owner's designee is
25 authorized to make decisions regarding who is allowed to take
26 or attempt to take any species of wildlife or parts thereof,

1 and (iii) the owner's notarized signature. Before enforcing
2 this Section the law enforcement officer must have received
3 notice from the owner or the owner's designee of a violation of
4 this Section. Statements made to the law enforcement officer
5 regarding this notice shall not be rendered inadmissible by the
6 hearsay rule when offered for the purpose of showing the
7 required notice.

8 (u) It is unlawful for any person to discharge any firearm
9 for the purpose of taking any of the species protected by this
10 Act, or hunt with gun or dog, or intentionally or wantonly
11 allow a dog to hunt, within 300 yards of an inhabited dwelling
12 without first obtaining permission from the owner or tenant,
13 except that while trapping, hunting with bow and arrow, hunting
14 with dog and shotgun using shot shells only, or hunting with
15 shotgun using shot shells only, or on licensed game breeding
16 and hunting preserve areas, as defined in Section 3.27, on
17 property operated under a Migratory Waterfowl Hunting Area
18 Permit, on federally owned and managed lands and on Department
19 owned, managed, leased or controlled lands, a 100 yard
20 restriction shall apply.

21 (v) It is unlawful for any person to remove fur-bearing
22 mammals from, or to move or disturb in any manner, the traps
23 owned by another person without written authorization of the
24 owner to do so.

25 (w) It is unlawful for any owner of a dog to knowingly or
26 wantonly allow his or her dog to pursue, harass or kill deer,

1 except that nothing in this Section shall prohibit the tracking
2 of wounded deer with a dog in accordance with the provisions of
3 Section 2.26 of this Code.

4 (x) It is unlawful for any person to wantonly or carelessly
5 injure or destroy, in any manner whatsoever, any real or
6 personal property on the land of another while engaged in
7 hunting or trapping thereon.

8 (y) It is unlawful to hunt wild game protected by this Act
9 between one half hour after sunset and one half hour before
10 sunrise, except that hunting hours between one half hour after
11 sunset and one half hour before sunrise may be established by
12 administrative rule for 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 and
15 otherwise irretrievable) protected by this Act when not flying.
16 Nothing in this Section shall prohibit a person from carrying
17 an uncased, unloaded shotgun in a boat, while in pursuit of a
18 crippled migratory waterfowl that is incapable of normal
19 flight, for the purpose of attempting to reduce the migratory
20 waterfowl to possession, provided that the attempt is made
21 immediately upon downing the migratory waterfowl and is done
22 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 fur-bearing
4 mammals, excluding coyotes.

5 (bb) It is unlawful for any person, except licensed game
6 breeders, pursuant to Section 2.29 to import, carry into, or
7 possess alive in this State any species of wildlife taken
8 outside of this State, without obtaining permission to do so
9 from the Director.

10 (cc) It is unlawful for any person to have in his or her
11 possession any freshly killed species protected by this Act
12 during the season closed for taking.

13 (dd) It is unlawful to take any species protected by this
14 Act and retain it alive except as provided by administrative
15 rule.

16 (ee) It is unlawful to possess any rifle while in the field
17 during gun deer season except as provided in Section 2.26 and
18 administrative rules.

19 (ff) It is unlawful for any person to take any species
20 protected by this Act, except migratory waterfowl, during the
21 gun deer hunting season in those counties open to gun deer
22 hunting, unless he or she wears, when in the field, a cap and
23 upper outer garment of a solid blaze orange color, with such
24 articles of clothing displaying a minimum of 400 square inches
25 of blaze orange material.

26 (gg) It is unlawful during the upland game season for any

1 person to take upland game with a firearm unless he or she
2 wears, while in the field, a cap of solid blaze orange color.
3 For purposes of this Act, upland game is defined as Bobwhite
4 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern
5 Cottontail and Swamp Rabbit.

6 (hh) It shall be unlawful to kill or cripple any species
7 protected by this Act for which there is a bag limit without
8 making a reasonable effort to retrieve such species and include
9 such in the bag limit. It shall be unlawful for any person
10 having control over harvested game mammals, game birds, or
11 migratory game birds for which there is a bag limit to wantonly
12 waste or destroy the usable meat of the game, except this shall
13 not apply to wildlife taken under Sections 2.37 or 3.22 of this
14 Code. For purposes of this subsection, "usable meat" means the
15 breast meat of a game bird or migratory game bird and the hind
16 ham and front shoulders of a game mammal. It shall be unlawful
17 for any person to place, leave, dump, or abandon a wildlife
18 carcass or parts of it along or upon a public right-of-way or
19 highway or on public or private property, including a waterway
20 or stream, without the permission of the owner or tenant. It
21 shall not be unlawful to discard game meat that is determined
22 to be unfit for human consumption.

23 (ii) This Section shall apply only to those species
24 protected by this Act taken within the State. Any species or
25 any parts thereof, legally taken in and transported from other
26 states or countries, may be possessed within the State, except

1 as provided in this Section and Sections 2.35, 2.36 and 3.21.

2 (jj) (Blank).

3 (kk) Nothing contained in this Section shall prohibit the
4 Director from issuing permits to paraplegics or to other
5 disabled persons who meet the requirements set forth in
6 administrative rule to shoot or hunt from a vehicle as provided
7 by that rule, provided that such is otherwise in accord with
8 this Act.

9 (ll) Nothing contained in this Act shall prohibit the
10 taking of aquatic life protected by the Fish and Aquatic Life
11 Code or birds and mammals protected by this Act, except deer
12 and fur-bearing mammals, from a boat not camouflaged or
13 disguised to alter its identity or to further provide a place
14 of concealment and not propelled by sail or mechanical power.
15 However, only shotguns not larger than 10 gauge nor smaller
16 than .410 bore loaded with not more than 3 shells of a shot
17 size no larger than lead BB or steel T (.20 diameter) may be
18 used to take species protected by this Act.

19 (mm) Nothing contained in this Act shall prohibit the use
20 of a shotgun, not larger than 10 gauge nor smaller than a 20
21 gauge, with a rifled barrel.

22 (nn) It shall be unlawful to possess any species of
23 wildlife or wildlife parts taken unlawfully in Illinois, any
24 other state, or any other country, whether or not the wildlife
25 or wildlife parts is indigenous to Illinois. For the purposes
26 of this subsection, the statute of limitations for unlawful

1 possession of wildlife or wildlife parts shall not cease until
2 2 years after the possession has permanently ended.

3 (Source: P.A. 97-645, eff. 12-30-11; 97-907, eff. 8-7-12;
4 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183, eff. 1-1-14;
5 98-290, eff. 8-9-13; revised 9-24-13.)

6 Section 650. The Open Space Lands Acquisition and
7 Development Act is amended by changing Section 3 as follows:

8 (525 ILCS 35/3) (from Ch. 85, par. 2103)

9 Sec. 3. From appropriations made from the Capital
10 Development Fund, Build Illinois Bond Fund or other available
11 or designated funds for such purposes, the Department shall
12 make grants to local governments as financial assistance for
13 the capital development and improvement of park, recreation or
14 conservation areas, marinas and shorelines, including planning
15 and engineering costs, and for the acquisition of open space
16 lands, including acquisition of easements and other property
17 interests less than fee simple ownership if the Department
18 determines that such property interests are sufficient to carry
19 out the purposes of this Act, subject to the conditions and
20 limitations set forth in this Act.

21 No more than 10% of the amount so appropriated for any
22 fiscal year may be committed or expended on any one project
23 described in an application under this Act.

24 Any grant under this Act to a local government shall be

1 conditioned upon the state providing assistance on a 50/50
2 matching basis for the acquisition of open space lands and for
3 capital development and improvement proposals. However, a
4 local government defined as "distressed" under criteria
5 adopted by the Department through administrative rule shall be
6 eligible for assistance up to 90% for the acquisition of open
7 space lands and for capital development and improvement
8 proposals, provided that no more than 10% of the amount
9 appropriated under this Act in any fiscal year is made
10 available as grants to distressed local governments.

11 A minimum of 50% of any grant made to a unit of local
12 government under this Act must be paid to the unit of local
13 government at the time the Department awards the grant. The
14 remainder of the grant shall be distributed to the local
15 government quarterly on a reimbursement basis.

16 (Source: P.A. 98-326, eff. 8-12-13; 98-520, eff. 8-23-13;
17 revised 9-19-13.)

18 Section 655. The Illinois Highway Code is amended by
19 renumbering Section 223 as follows:

20 (605 ILCS 5/4-223)

21 Sec. 4-223 ~~223~~. Electric vehicle charging stations. By
22 January 1, 2016 or as soon thereafter as possible, the
23 Department may provide for at least one electric vehicle
24 charging station at each Interstate highway rest area where

1 electrical service will reasonably permit and if these stations
2 and charging user fees at these stations are allowed by federal
3 regulations.

4 The Department may adopt and publish specifications
5 detailing the kind and type of electric vehicle charging
6 station to be provided and may adopt rules governing the place
7 of erection, user fees, and maintenance of electric vehicle
8 charging stations.

9 (Source: P.A. 98-442, eff. 1-1-14; revised 9-17-13.)

10 Section 660. The Illinois Aeronautics Act is amended by
11 changing Section 43d as follows:

12 (620 ILCS 5/43d) (from Ch. 15 1/2, par. 22.43d)

13 Sec. 43d. Intoxicated persons in or about aircraft.

14 (a) No person shall:

15 (1) Operate or attempt to operate any aircraft in this
16 State while under the influence of intoxicating liquor or
17 any narcotic drug or other controlled substance.

18 (2) Knowingly permit any individual who is under the
19 influence of intoxicating liquor or any narcotic drug or
20 other controlled substance to operate any aircraft owned by
21 the person or in his custody or control.

22 (3) Perform any act in connection with the maintenance
23 or operation of any aircraft when under the influence of
24 intoxicating liquor or any narcotic drug or other

1 controlled substance, except medication prescribed by a
2 physician which will not render the person incapable of
3 performing his duties safely.

4 (4) (i) Consume alcoholic liquor within 8 hours prior
5 to operating or acting as a crew member of any aircraft
6 within this State.

7 (ii) Act as a crew member of any aircraft within
8 this State while under the influence of alcohol or when
9 the alcohol concentration in the person's blood or
10 breath is 0.04 or more based on the definition of blood
11 and breath units contained in Section 11-501.2 of the
12 Illinois Vehicle Code.

13 (iii) Operate any aircraft within this State when
14 the alcohol concentration in the person's blood or
15 breath is 0.04 or more based on the definition of blood
16 and breath units contained in Section 11-501.2 of the
17 Illinois Vehicle Code.

18 (iv) Operate or act as a crew member of any
19 aircraft within this State when there is any amount of
20 a drug, substance, or compound in the person's blood or
21 urine resulting from the unlawful use or consumption of
22 cannabis as listed in the Cannabis Control Act or a
23 controlled substance as listed in the Illinois
24 Controlled Substances ~~Substance~~ Act.

25 (5) Knowingly consume while a crew member of any
26 aircraft any intoxicating liquor, narcotic drug, or other

1 controlled substance while the aircraft is in operation.

2 (b) Any person who violates clause (4)(i) of subsection (a)
3 of this Section is guilty of a Class A misdemeanor. A person
4 who violates paragraph (2), (3), or (5) or clause (4)(ii) of
5 subsection (a) of this Section is guilty of a Class 4 felony. A
6 person who violates paragraph (1) or clause (4)(iii) or (4)(iv)
7 of subsection (a) of this Section is guilty of a Class 3
8 felony.

9 (Source: P.A. 92-517, eff. 6-1-02; revised 11-19-13.)

10 Section 665. The County Airport Law of 1943 is amended by
11 changing Section 6 as follows:

12 (620 ILCS 45/6) (from Ch. 15 1/2, par. 89)

13 Sec. 6. The directors shall, immediately after
14 appointment, meet and organize by the election of one of their
15 number as president and one as secretary, and by the election
16 of such other officers as they may deem necessary. They shall
17 make and adopt such by-laws, rules and regulations for their
18 own guidance and for the government of the airport and landing
19 field, buildings, equipment and other facilities or activities
20 and institutions connected therewith as may be expedient, not
21 inconsistent with the "Illinois Aeronautics Act", as now or
22 hereafter amended or supplemented, or any rule, ruling,
23 regulation, order or decision of the Department of
24 Transportation of this State. They shall have the exclusive

1 control of the expenditure of all moneys collected to the
2 credit of the Airport Fund, and of the construction of any
3 airport, building, landing strips or other facilities
4 connected therewith, or auxiliary institutions or activities
5 in connection therewith, and of the supervision, care and
6 custody of the grounds, buildings and facilities constructed,
7 leased, or set apart for that purpose: Provided, that all
8 moneys received for such airport with the exception of moneys
9 the title to which rests in the Board of Directors in
10 accordance with Section 9, shall be deposited in the treasury
11 of the county to the credit of the Airport fund and shall not
12 be used for any other purpose, and shall be drawn upon by the
13 proper officers of the county upon the properly authenticated
14 vouchers of the Board of Directors. The Board of Directors may
15 purchase or lease ground within the limits of such county, and
16 occupy, lease or erect an appropriate building or buildings for
17 the use of the airport, auxiliary institutions and activities
18 connected therewith: Provided, however, that no such building,
19 landing strips or other facilities shall be constructed or
20 erected until detailed plans therefor shall have been submitted
21 to and approved by the Department of Transportation of this
22 State. The Board of Directors may appoint suitable managers,
23 assistants and employees and fix their compensation by
24 resolution duly adopted, and may also remove such appointees,
25 and shall carry out the spirit and intent of this Act in
26 establishing and maintaining an airport and landing field.

1 The Board of Directors shall, in addition to the powers set
2 forth in this Act, specifically have the powers designated as
3 follows:

4 1. To locate, establish and maintain an airport and airport
5 facilities within the area of its jurisdiction, and to develop,
6 expand, extend and improve any such airport or airport
7 facility.

8 2. To acquire land, rights in and over land and easements
9 upon, over or across land, and leasehold interests in land, and
10 tangible and intangible personal property, used or useful for
11 the location, establishment, maintenance, development,
12 expansion, extension or improvement of any such airport or
13 airport facility. Such acquisition may be by dedication,
14 purchase, gift, agreement, lease, or by user or adverse
15 possession or condemnation. In the determination of the
16 compensation to be paid in any condemnation proceeding under
17 this subsection involving property or facilities used in
18 agriculture, commerce, industry or trade there shall be
19 included not only the value of the property and facilities
20 affected and the cost of any changes in or relocation of such
21 property and facilities but also compensation for any loss
22 occasioned in the operation thereof.

23 3. To operate, manage, lease, sublease, and to make and
24 enter into contracts for the use, operation or management of,
25 and to provide rules and regulations for the operation,
26 management or use of any such airport or airport facility.

1 4. To fix, charge and collect rentals, tolls, fees and
2 charges for the use of any such airport, or any part thereof,
3 or any such airport facility, and to grant privileges within
4 any airport or structure therein or any part thereof, and to
5 charge and collect compensation for such privileges and to
6 lease any building or structure or any part thereof to private
7 or public concerns or corporations in connection with the use
8 and operation of such airport and to enter into contracts or
9 agreements permitting private or public concerns to erect and
10 build structures for airport purposes and purposes auxiliary
11 thereto and connected therewith, on such terms and conditions
12 as the directors deem expedient and in the public interest;
13 provided, that no such structure may be erected by any public
14 or private concern or corporation pursuant to such agreement
15 until the plans and specifications therefor shall have been
16 submitted to and approved by the Department of Transportation
17 of this State.

18 5. To establish, maintain, extend and improve roadways and
19 approaches by land, water or air to any such airport.

20 6. To contract or otherwise to provide by condemnation if
21 necessary for the removal or relocation of all private
22 structures, railways, mains, pipes, conduits, wires, poles and
23 all other facilities and equipment which may interfere with the
24 location, expansion, development, or improvement of airports
25 or with the safe approach thereto or takeoff therefrom by
26 aircraft, and to assume any obligation and pay any expense

1 incidental to such removal or relocation.

2 7. Within territory two miles from any airport or landing
3 field, as measured at a right angle from any side, or in a
4 radial line from the corner of any established boundary line
5 thereof, to enter into contracts for a term of years or
6 permanently with the owners of such land to restrict the height
7 of any structure upon the relationship of one foot of height to
8 each twenty feet of distance from the boundary line, upon such
9 terms and conditions and for ~~the~~ such consideration as the
10 Board of Directors deems equitable; and to adopt, administer
11 and enforce airport zoning regulations for and within the
12 county and within any territory which extends not more than 2
13 miles beyond the boundaries of any Airport under the control of
14 the Board of Directors.

15 8. To borrow money and to issue bonds, notes, certificates
16 or other evidences of indebtedness for the purpose of
17 accomplishing any of the corporate purposes, subject, however,
18 to compliance with the conditions or limitations of this Act or
19 otherwise provided by the constitution or laws of the State of
20 Illinois.

21 9. To employ or enter into contracts for the employment of
22 any person, firm or corporation, and for professional services,
23 necessary or desirable for the accomplishment of the objects of
24 the Board of Directors or the proper administration,
25 management, protection or control of its property.

26 10. To police its property and to exercise police powers in

1 respect thereto or in respect to the enforcement of any rule or
2 regulation provided by the resolutions of the Board of
3 Directors and to employ and commission police officers and
4 other qualified persons to enforce the same.

5 Nothing in this section or in other provisions of this Act
6 shall be construed to authorize the Board of Directors to
7 establish or enforce any regulation or rule in respect to
8 aviation or the operation or maintenance of any airport or any
9 airport facility within its jurisdiction which is in conflict
10 with any federal or state law or regulation applicable to the
11 same subject matter.

12 This section is subject to the "Illinois Aeronautics Act",
13 as now or hereafter amended or supplemented, or any rule,
14 ruling, regulation, order or decision of the Department of
15 Transportation of this State.

16 The Federal Government or any department or agency thereof,
17 the State of Illinois or any department or agency thereof, or
18 any political subdivision of the State of Illinois and any
19 public or private aircraft shall be permitted to use any
20 airport facility subject to the regulation and control of, and
21 upon such terms and conditions as shall be established by the
22 Board of Directors.

23 (Source: P.A. 81-840; revised 11-19-13.)

24 Section 670. The Public-Private Agreements for the South
25 Suburban Airport Act is amended by changing Section 2-35 as

1 follows:

2 (620 ILCS 75/2-35)

3 Sec. 2-35. Provisions of the public-private agreement.

4 (a) The public-private agreement shall include all of the
5 following:

6 (1) the term of the public-private agreement that is
7 consistent with Section 2-20 of this Act;

8 (2) the powers, duties, responsibilities, obligations,
9 and functions of the Department and the contractor;

10 (3) compensation or payments to the Department;

11 (4) compensation or payments to the contractor;

12 (5) a provision specifying that the Department has:

13 (A) ready access to information regarding the
14 contractor's powers, duties, responsibilities,
15 obligations, and functions under the public-private
16 agreement;

17 (B) the right to demand and receive information
18 from the contractor concerning any aspect of the
19 contractor's powers, duties, responsibilities,
20 obligations, and functions under the public-private
21 agreement; and

22 (C) the authority to direct or countermand
23 decisions by the contractor at any time;

24 (6) a provision imposing an affirmative duty on the
25 contractor to provide the Department with any information

1 the Department reasonably would want to know or would need
2 to know to enable the Department to exercise its powers,
3 carry out its duties, responsibilities, and obligations,
4 and perform its functions under this Act or the
5 public-private agreement or as otherwise required by law;

6 (7) a provision requiring the contractor to provide the
7 Department with advance written notice of any decision that
8 bears significantly on the public interest so the
9 Department has a reasonable opportunity to evaluate and
10 countermand that decision under this Section;

11 (8) a requirement that the Department monitor and
12 oversee the contractor's practices and take action that the
13 Department considers appropriate to ensure that the
14 contractor is in compliance with the terms of the
15 public-private agreement;

16 (9) the authority of the Department to enter into
17 contracts with third parties pursuant to Section 2-65 of
18 this Act;

19 (10) a provision governing the contractor's authority
20 to negotiate and execute subcontracts with third parties;

21 (11) the authority of the contractor to impose user
22 fees and the amounts of those fees;

23 (12) a provision governing the deposit and allocation
24 of revenues including user fees;

25 (13) a provision governing rights to real and personal
26 property of the State, the Department, the contractor, and

1 other third parties;

2 (14) a provision stating that the contractor shall,
3 pursuant to Section 2-85 of this Act, pay the costs of an
4 independent audit if the construction costs under the
5 contract exceed \$50,000,000;

6 (15) a provision regarding the implementation and
7 delivery of a comprehensive system of internal audits;

8 (16) a provision regarding the implementation and
9 delivery of reports, which shall include a requirement that
10 the contractor file with the Department, at least on an
11 annual basis, financial statements containing information
12 required by generally accepted accounting principles
13 (GAAP);

14 (17) procedural requirements for obtaining the prior
15 approval of the Department when rights that are the subject
16 of the agreement, including, but not limited to development
17 rights, construction rights, property rights, and rights
18 to certain revenues, are sold, assigned, transferred, or
19 pledged as collateral to secure financing or for any other
20 reason;

21 (18) grounds for termination of the agreement by the
22 Department or the contractor and a restatement of the
23 Department's rights under Section 2-45 of this Act;

24 (19) a requirement that the contractor enter into a
25 project labor agreement under Section 2-120 of this Act;

26 (20) a provision stating that construction contractors

1 shall comply with Section 2-120 of this Act;

2 (21) timelines, deadlines, and scheduling;

3 (22) review of plans, including development,
4 financing, construction, management, operations, or
5 maintenance plans, by the Department;

6 (23) a provision regarding inspections by the
7 Department, including inspections of construction work and
8 improvements;

9 (24) rights and remedies of the Department in the event
10 that the contractor defaults or otherwise fails to comply
11 with the terms of the public-private agreement;

12 (25) a code of ethics for the contractor's officers and
13 employees; and

14 (26) procedures for amendment to the agreement.

15 (b) The public-private agreement may include any or all of
16 the following:

17 (1) a provision regarding the extension of the
18 agreement that is consistent with Section 2-20 of this Act;

19 (2) provisions leasing to the contractor all or any
20 portion of the South Suburban Airport, provided that the
21 lease may not extend beyond the term of the public-private
22 agreement;

23 (3) cash reserves requirements;

24 (4) delivery of performance and payment bonds or other
25 performance security in a form and amount that is
26 satisfactory to the Department;

- 1 (5) maintenance of public liability insurance;
- 2 (6) maintenance of self-insurance;
- 3 (7) provisions governing grants and loans, pursuant to
- 4 which the Department may agree to make grants or loans for
- 5 the development, financing, construction, management, or
- 6 operation of the South Suburban Airport project from time
- 7 to time from amounts received from the federal government
- 8 or any agency or instrumentality of the federal government
- 9 or from any State or local agency;
- 10 (8) reimbursements to the Department for work
- 11 performed and goods, services, and equipment provided by
- 12 the Department;
- 13 (9) provisions allowing the Department to submit any
- 14 contractual disputes with the contractor relating to the
- 15 public-private agreement to non-binding alternative
- 16 dispute resolution proceedings; and
- 17 (10) any other terms, conditions, and provisions
- 18 acceptable to the Department that the Department deems
- 19 necessary and proper and in the public interest.

20 (Source: P.A. 98-109, eff. 7-25-13; revised 11-19-13.)

21 Section 675. The Illinois Vehicle Code is amended by

22 changing Sections 1-105, 2-119, 3-918, 5-301, 6-103, 6-106,

23 6-108, 6-118, 6-201, 6-206, 6-303, 6-508, 6-514, 11-208,

24 11-208.7, 11-501, 11-709.2, 12-215, 12-610.2, and 15-111 and by

25 setting forth, renumbering, and changing multiple versions of

1 Section 3-699 as follows:

2 (625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)

3 Sec. 1-105. Authorized emergency vehicle. Emergency
4 vehicles of municipal departments or public service
5 corporations as are designated or authorized by proper local
6 authorities; police vehicles; vehicles of the fire department;
7 vehicles of a HazMat or technical rescue team authorized by a
8 county board under Section 5-1127 of the Counties Code;
9 ambulances; vehicles of the Illinois Department of
10 Corrections; vehicles of the Illinois Department of Juvenile
11 Justice; vehicles of the Illinois Emergency Management Agency;
12 vehicles of the Office of the Illinois State Fire Marshal; mine
13 rescue and explosives emergency response vehicles of the
14 Department of Natural Resources; vehicles of the Illinois
15 Department of Public Health; vehicles of the Illinois
16 Department of Transportation identified as Emergency Traffic
17 Patrol; and vehicles of a municipal or county emergency
18 services and disaster agency, as defined by the Illinois
19 Emergency Management Agency Act.

20 (Source: P.A. 97-149, eff. 7-14-11; 97-333, eff. 7-12-11;
21 98-123, eff. 1-1-14; 98-468, eff. 8-16-13; revised 9-19-13.)

22 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

23 (Text of Section before amendment by P.A. 98-176)

24 Sec. 2-119. Disposition of fees and taxes.

1 (a) All moneys received from Salvage Certificates shall be
2 deposited in the Common School Fund in the State Treasury.

3 (b) Beginning January 1, 1990 and concluding December 31,
4 1994, of the money collected for each certificate of title,
5 duplicate certificate of title and corrected certificate of
6 title, \$0.50 shall be deposited into the Used Tire Management
7 Fund. Beginning January 1, 1990 and concluding December 31,
8 1994, of the money collected for each certificate of title,
9 duplicate certificate of title and corrected certificate of
10 title, \$1.50 shall be deposited in the Park and Conservation
11 Fund.

12 Beginning January 1, 1995, of the money collected for each
13 certificate of title, duplicate certificate of title and
14 corrected certificate of title, \$3.25 shall be deposited in the
15 Park and Conservation Fund. The moneys deposited in the Park
16 and Conservation Fund pursuant to this Section shall be used
17 for the acquisition and development of bike paths as provided
18 for in Section 805-420 of the Department of Natural Resources
19 (Conservation) Law (20 ILCS 805/805-420). The monies deposited
20 into the Park and Conservation Fund under this subsection shall
21 not be subject to administrative charges or chargebacks unless
22 otherwise authorized by this Act.

23 Beginning January 1, 2000, of the moneys collected for each
24 certificate of title, duplicate certificate of title, and
25 corrected certificate of title, \$48 shall be deposited into the
26 Road Fund and \$4 shall be deposited into the Motor Vehicle

1 License Plate Fund, except that if the balance in the Motor
2 Vehicle License Plate Fund exceeds \$40,000,000 on the last day
3 of a calendar month, then during the next calendar month the \$4
4 shall instead be deposited into the Road Fund.

5 Beginning January 1, 2005, of the moneys collected for each
6 delinquent vehicle registration renewal fee, \$20 shall be
7 deposited into the General Revenue Fund.

8 Except as otherwise provided in this Code, all remaining
9 moneys collected for certificates of title, and all moneys
10 collected for filing of security interests, shall be placed in
11 the General Revenue Fund in the State Treasury.

12 (c) All moneys collected for that portion of a driver's
13 license fee designated for driver education under Section 6-118
14 shall be placed in the Driver Education Fund in the State
15 Treasury.

16 (d) Beginning January 1, 1999, of the monies collected as a
17 registration fee for each motorcycle, motor driven cycle and
18 moped, 27% of each annual registration fee for such vehicle and
19 27% of each semiannual registration fee for such vehicle is
20 deposited in the Cycle Rider Safety Training Fund.

21 (e) Of the monies received by the Secretary of State as
22 registration fees or taxes or as payment of any other fee, as
23 provided in this Act, except fees received by the Secretary
24 under paragraph (7) of subsection (b) of Section 5-101 and
25 Section 5-109 of this Code, 37% shall be deposited into the
26 State Construction Account Fund.

1 (f) Of the total money collected for a CDL instruction
2 permit or original or renewal issuance of a commercial driver's
3 license (CDL) pursuant to the Uniform Commercial Driver's
4 License Act (UCDLA): (i) \$6 of the total fee for an original or
5 renewal CDL, and \$6 of the total CDL instruction permit fee
6 when such permit is issued to any person holding a valid
7 Illinois driver's license, shall be paid into the
8 CDLIS/AAMVAnet/NMVTIS Trust Fund (Commercial Driver's License
9 Information System/American Association of Motor Vehicle
10 Administrators network/National Motor Vehicle Title
11 Information Service Trust Fund) and shall be used for the
12 purposes provided in Section 6z-23 of the State Finance Act and
13 (ii) \$20 of the total fee for an original or renewal CDL or
14 commercial driver instruction permit shall be paid into the
15 Motor Carrier Safety Inspection Fund, which is hereby created
16 as a special fund in the State Treasury, to be used by the
17 Department of State Police, subject to appropriation, to hire
18 additional officers to conduct motor carrier safety
19 inspections pursuant to Chapter 18b of this Code.

20 (g) All remaining moneys received by the Secretary of State
21 as registration fees or taxes or as payment of any other fee,
22 as provided in this Act, except fees received by the Secretary
23 under paragraph (7) (A) of subsection (b) of Section 5-101 and
24 Section 5-109 of this Code, shall be deposited in the Road Fund
25 in the State Treasury. Moneys in the Road Fund shall be used
26 for the purposes provided in Section 8.3 of the State Finance

1 Act.

2 (h) (Blank).

3 (i) (Blank).

4 (j) (Blank).

5 (k) There is created in the State Treasury a special fund
6 to be known as the Secretary of State Special License Plate
7 Fund. Money deposited into the Fund shall, subject to
8 appropriation, be used by the Office of the Secretary of State
9 (i) to help defray plate manufacturing and plate processing
10 costs for the issuance and, when applicable, renewal of any new
11 or existing registration plates authorized under this Code and
12 (ii) for grants made by the Secretary of State to benefit
13 Illinois Veterans Home libraries.

14 On or before October 1, 1995, the Secretary of State shall
15 direct the State Comptroller and State Treasurer to transfer
16 any unexpended balance in the Special Environmental License
17 Plate Fund, the Special Korean War Veteran License Plate Fund,
18 and the Retired Congressional License Plate Fund to the
19 Secretary of State Special License Plate Fund.

20 (l) The Motor Vehicle Review Board Fund is created as a
21 special fund in the State Treasury. Moneys deposited into the
22 Fund under paragraph (7) of subsection (b) of Section 5-101 and
23 Section 5-109 shall, subject to appropriation, be used by the
24 Office of the Secretary of State to administer the Motor
25 Vehicle Review Board, including without limitation payment of
26 compensation and all necessary expenses incurred in

1 administering the Motor Vehicle Review Board under the Motor
2 Vehicle Franchise Act.

3 (m) Effective July 1, 1996, there is created in the State
4 Treasury a special fund to be known as the Family
5 Responsibility Fund. Moneys deposited into the Fund shall,
6 subject to appropriation, be used by the Office of the
7 Secretary of State for the purpose of enforcing the Family
8 Financial Responsibility Law.

9 (n) The Illinois Fire Fighters' Memorial Fund is created as
10 a special fund in the State Treasury. Moneys deposited into the
11 Fund shall, subject to appropriation, be used by the Office of
12 the State Fire Marshal for construction of the Illinois Fire
13 Fighters' Memorial to be located at the State Capitol grounds
14 in Springfield, Illinois. Upon the completion of the Memorial,
15 moneys in the Fund shall be used in accordance with Section
16 3-634.

17 (o) Of the money collected for each certificate of title
18 for all-terrain vehicles and off-highway motorcycles, \$17
19 shall be deposited into the Off-Highway Vehicle Trails Fund.

20 (p) For audits conducted on or after July 1, 2003 pursuant
21 to Section 2-124(d) of this Code, 50% of the money collected as
22 audit fees shall be deposited into the General Revenue Fund.

23 (Source: P.A. 97-1136, eff. 1-1-13; 98-177, eff. 1-1-14;
24 revised 9-19-13.)

25 (Text of Section after amendment by P.A. 98-176)

1 Sec. 2-119. Disposition of fees and taxes.

2 (a) All moneys received from Salvage Certificates shall be
3 deposited in the Common School Fund in the State Treasury.

4 (b) Beginning January 1, 1990 and concluding December 31,
5 1994, of the money collected for each certificate of title,
6 duplicate certificate of title and corrected certificate of
7 title, \$0.50 shall be deposited into the Used Tire Management
8 Fund. Beginning January 1, 1990 and concluding December 31,
9 1994, of the money collected for each certificate of title,
10 duplicate certificate of title and corrected certificate of
11 title, \$1.50 shall be deposited in the Park and Conservation
12 Fund.

13 Beginning January 1, 1995, of the money collected for each
14 certificate of title, duplicate certificate of title and
15 corrected certificate of title, \$3.25 shall be deposited in the
16 Park and Conservation Fund. The moneys deposited in the Park
17 and Conservation Fund pursuant to this Section shall be used
18 for the acquisition and development of bike paths as provided
19 for in Section 805-420 of the Department of Natural Resources
20 (Conservation) Law (20 ILCS 805/805-420). The monies deposited
21 into the Park and Conservation Fund under this subsection shall
22 not be subject to administrative charges or chargebacks unless
23 otherwise authorized by this Act.

24 Beginning January 1, 2000, of the moneys collected for each
25 certificate of title, duplicate certificate of title, and
26 corrected certificate of title, \$48 shall be deposited into the

1 Road Fund and \$4 shall be deposited into the Motor Vehicle
2 License Plate Fund, except that if the balance in the Motor
3 Vehicle License Plate Fund exceeds \$40,000,000 on the last day
4 of a calendar month, then during the next calendar month the \$4
5 shall instead be deposited into the Road Fund.

6 Beginning January 1, 2005, of the moneys collected for each
7 delinquent vehicle registration renewal fee, \$20 shall be
8 deposited into the General Revenue Fund.

9 Except as otherwise provided in this Code, all remaining
10 moneys collected for certificates of title, and all moneys
11 collected for filing of security interests, shall be placed in
12 the General Revenue Fund in the State Treasury.

13 (c) All moneys collected for that portion of a driver's
14 license fee designated for driver education under Section 6-118
15 shall be placed in the Driver Education Fund in the State
16 Treasury.

17 (d) Beginning January 1, 1999, of the monies collected as a
18 registration fee for each motorcycle, motor driven cycle and
19 moped, 27% of each annual registration fee for such vehicle and
20 27% of each semiannual registration fee for such vehicle is
21 deposited in the Cycle Rider Safety Training Fund.

22 (e) Of the monies received by the Secretary of State as
23 registration fees or taxes or as payment of any other fee, as
24 provided in this Act, except fees received by the Secretary
25 under paragraph (7) of subsection (b) of Section 5-101 and
26 Section 5-109 of this Code, 37% shall be deposited into the

1 State Construction Account Fund.

2 (f) Of the total money collected for a commercial learner's
3 permit (CLP) or original or renewal issuance of a commercial
4 driver's license (CDL) pursuant to the Uniform Commercial
5 Driver's License Act (UCDLA): (i) \$6 of the total fee for an
6 original or renewal CDL, and \$6 of the total CLP fee when such
7 permit is issued to any person holding a valid Illinois
8 driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS
9 Trust Fund (Commercial Driver's License Information
10 System/American Association of Motor Vehicle Administrators
11 network/National Motor Vehicle Title Information Service Trust
12 Fund) and shall be used for the purposes provided in Section
13 6z-23 of the State Finance Act and (ii) \$20 of the total fee
14 for an original or renewal CDL or CLP shall be paid into the
15 Motor Carrier Safety Inspection Fund, which is hereby created
16 as a special fund in the State Treasury, to be used by the
17 Department of State Police, subject to appropriation, to hire
18 additional officers to conduct motor carrier safety
19 inspections pursuant to Chapter 18b of this Code.

20 (g) All remaining moneys received by the Secretary of State
21 as registration fees or taxes or as payment of any other fee,
22 as provided in this Act, except fees received by the Secretary
23 under paragraph (7) (A) of subsection (b) of Section 5-101 and
24 Section 5-109 of this Code, shall be deposited in the Road Fund
25 in the State Treasury. Moneys in the Road Fund shall be used
26 for the purposes provided in Section 8.3 of the State Finance

1 Act.

2 (h) (Blank).

3 (i) (Blank).

4 (j) (Blank).

5 (k) There is created in the State Treasury a special fund
6 to be known as the Secretary of State Special License Plate
7 Fund. Money deposited into the Fund shall, subject to
8 appropriation, be used by the Office of the Secretary of State
9 (i) to help defray plate manufacturing and plate processing
10 costs for the issuance and, when applicable, renewal of any new
11 or existing registration plates authorized under this Code and
12 (ii) for grants made by the Secretary of State to benefit
13 Illinois Veterans Home libraries.

14 On or before October 1, 1995, the Secretary of State shall
15 direct the State Comptroller and State Treasurer to transfer
16 any unexpended balance in the Special Environmental License
17 Plate Fund, the Special Korean War Veteran License Plate Fund,
18 and the Retired Congressional License Plate Fund to the
19 Secretary of State Special License Plate Fund.

20 (l) The Motor Vehicle Review Board Fund is created as a
21 special fund in the State Treasury. Moneys deposited into the
22 Fund under paragraph (7) of subsection (b) of Section 5-101 and
23 Section 5-109 shall, subject to appropriation, be used by the
24 Office of the Secretary of State to administer the Motor
25 Vehicle Review Board, including without limitation payment of
26 compensation and all necessary expenses incurred in

1 administering the Motor Vehicle Review Board under the Motor
2 Vehicle Franchise Act.

3 (m) Effective July 1, 1996, there is created in the State
4 Treasury a special fund to be known as the Family
5 Responsibility Fund. Moneys deposited into the Fund shall,
6 subject to appropriation, be used by the Office of the
7 Secretary of State for the purpose of enforcing the Family
8 Financial Responsibility Law.

9 (n) The Illinois Fire Fighters' Memorial Fund is created as
10 a special fund in the State Treasury. Moneys deposited into the
11 Fund shall, subject to appropriation, be used by the Office of
12 the State Fire Marshal for construction of the Illinois Fire
13 Fighters' Memorial to be located at the State Capitol grounds
14 in Springfield, Illinois. Upon the completion of the Memorial,
15 moneys in the Fund shall be used in accordance with Section
16 3-634.

17 (o) Of the money collected for each certificate of title
18 for all-terrain vehicles and off-highway motorcycles, \$17
19 shall be deposited into the Off-Highway Vehicle Trails Fund.

20 (p) For audits conducted on or after July 1, 2003 pursuant
21 to Section 2-124(d) of this Code, 50% of the money collected as
22 audit fees shall be deposited into the General Revenue Fund.

23 (Source: P.A. 97-1136, eff. 1-1-13; 98-176, eff. 7-1-14;
24 98-177, eff. 1-1-14; revised 9-19-13.)

1 Sec. 3-699. National Wild Turkey Federation license
2 plates.

3 (a) The Secretary, upon receipt of all applicable fees and
4 applications made in the form prescribed by the Secretary, may
5 issue special registration plates designated as National Wild
6 Turkey Federation license plates. The special plates issued
7 under this Section shall be affixed only to passenger vehicles
8 of the first division or motor vehicles of the second division
9 weighing not more than 8,000 pounds. Plates issued under this
10 Section shall expire according to the multi-year procedure
11 established by Section 3-414.1 of this Code.

12 (b) The design and color of the special plates shall be
13 wholly within the discretion of the Secretary. The Secretary
14 may allow the plates to be issued as vanity plates or
15 personalized plates under Section 3-405.1 of this Code. The
16 Secretary shall prescribe stickers or decals as provided under
17 Section 3-412 of this Code.

18 (c) An applicant for the special plate shall be charged a
19 \$40 fee for original issuance in addition to the appropriate
20 registration fee. Of this fee, \$25 shall be deposited into the
21 National Wild Turkey Federation Fund and \$15 shall be deposited
22 into the Secretary of State Special License Plate Fund, to be
23 used by the Secretary to help defray the administrative
24 processing costs.

25 For each registration renewal period, a \$27 fee, in
26 addition to the appropriate registration fee, shall be charged.

1 Of this fee, \$25 shall be deposited into the National Wild
2 Turkey Federation Fund and \$2 shall be deposited into the
3 Secretary of State Special License Plate Fund.

4 (d) The National Wild Turkey Federation Fund is created as
5 a special fund in the State treasury. All moneys in the
6 National Wild Turkey Federation Fund shall be paid, subject to
7 appropriation by the General Assembly and distribution by the
8 Secretary, as grants to National Wild Turkey Federation, Inc.,
9 a tax exempt entity under Section 501(c)(3) of the Internal
10 Revenue Code, to fund turkey habitat protection, enhancement,
11 and restoration projects in the State of Illinois, to fund
12 education and outreach for media, volunteers, members, and the
13 general public regarding turkeys and turkey habitat
14 conservation in the State of Illinois, and to cover the
15 reasonable cost for National Wild Turkey Federation special
16 plate advertising and administration of the conservation
17 projects and education program.

18 (Source: P.A. 98-66, eff. 1-1-14.)

19 (625 ILCS 5/3-699.2)

20 Sec. 3-699.2 ~~3-699~~. Diabetes Awareness license plates.

21 (a) The Secretary, upon receipt of an application made in
22 the form prescribed by the Secretary, may issue special
23 registration plates designated as Diabetes Awareness license
24 plates. The special plates issued under this Section shall be
25 affixed only to passenger vehicles of the first division and

1 motor vehicles of the second division weighing not more than
2 8,000 pounds. Plates issued under this Section shall expire
3 according to the multi-year procedure established by Section
4 3-414.1 of this Code.

5 (b) The design and color of the plates is wholly within the
6 discretion of the Secretary of State. The Secretary, in his or
7 her discretion, may allow the plates to be issued as vanity or
8 personalized plates under Section 3-405.1 of this Code. The
9 Secretary shall prescribe stickers or decals as provided under
10 Section 3-412 of this Code.

11 (c) An applicant for the special plate shall be charged a
12 \$40 fee for original issuance in addition to the appropriate
13 registration fee. Of this fee, \$25 shall be deposited into the
14 Diabetes Research Checkoff Fund and \$15 shall be deposited into
15 the Secretary of State Special License Plate Fund, to be used
16 by the Secretary to help defray the administrative processing
17 costs.

18 For each registration renewal period, a \$27 fee, in
19 addition to the appropriate registration fee, shall be charged.
20 Of this fee, \$25 shall be deposited into the Diabetes Research
21 Checkoff Fund and \$2 shall be deposited into the Secretary of
22 State Special License Plate Fund.

23 (Source: P.A. 98-96, eff. 1-1-14; revised 10-16-13.)

24 (625 ILCS 5/3-699.3)

25 Sec. 3-699.3 ~~3-699~~. Illinois Nurses license plates.

1 (a) The Secretary, upon receipt of an application made in
2 the form prescribed by the Secretary, may issue special
3 registration plates designated as Illinois Nurses license
4 plates. The special plates issued under this Section shall be
5 affixed only to passenger vehicles of the first division and
6 motor vehicles of the second division weighing not more than
7 8,000 pounds. Plates issued under this Section shall expire
8 according to the multi-year procedure established by Section
9 3-414.1 of this Code.

10 (b) The design and color of the plates is wholly within the
11 discretion of the Secretary. The Secretary may allow the plates
12 to be issued as vanity plates or personalized under Section
13 3-405.1 of the Code. The Secretary shall prescribe stickers or
14 decals as provided under Section 3-412 of this Code.

15 (c) An applicant for the special plate shall be charged a
16 \$35 fee for original issuance in addition to the appropriate
17 registration fee. Of this fee, \$20 shall be deposited into the
18 Illinois Nurses Foundation Fund and \$15 shall be deposited into
19 the Secretary of State Special License Plate Fund, to be used
20 by the Secretary to help defray administrative processing
21 costs.

22 For each registration renewal period, a \$22 fee, in
23 addition to the appropriate registration fee, shall be charged.
24 Of this fee, \$20 shall be deposited into the Illinois Nurses
25 Foundation Fund and \$2 shall be deposited into the Secretary of
26 State Special License Plate Fund.

1 (d) The Illinois Nurses Foundation Fund is created as a
2 special fund in the State treasury. All money in the Illinois
3 Nurses Foundation Fund shall be paid, subject to appropriation
4 by the General Assembly and distribution by the Secretary, as
5 grants to the Illinois Nurses Foundation, to promote the health
6 of the public by advancing the nursing profession in this
7 State.

8 (Source: P.A. 98-150, eff. 1-1-14; revised 10-16-13.)

9 (625 ILCS 5/3-699.4)

10 Sec. 3-699.4 ~~3-699~~. American Red Cross license plates.

11 (a) The Secretary, upon receipt of all applicable fees and
12 applications made in the form prescribed by the Secretary, may
13 issue special registration plates designated as American Red
14 Cross license plates. The special plates issued under this
15 Section shall be affixed only to passenger vehicles of the
16 first division or motor vehicles of the second division
17 weighing not more than 8,000 pounds. Plates issued under this
18 Section shall expire according to the multi-year procedure
19 established by Section 3-414.1 of this Code.

20 (b) The design and color of the special plates shall be
21 within the discretion of the Secretary, but shall include the
22 American Red Cross official logo. Appropriate documentation,
23 as determined by the Secretary, shall accompany each
24 application. The Secretary may allow the plates to be issued as
25 vanity plates or personalized plates under Section 3-405.1 of

1 this Code. The Secretary shall prescribe stickers or decals as
2 provided under Section 3-412 of this Code.

3 (c) An applicant for the special plate shall be charged a
4 \$40 fee for original issuance in addition to the appropriate
5 registration fee. Of this fee, \$25 shall be deposited into the
6 American Red Cross Fund and \$15 shall be deposited into the
7 Secretary of State Special License Plate Fund, to be used by
8 the Secretary to help defray the administrative processing
9 costs. For each registration renewal period, a \$27 fee, in
10 addition to the appropriate registration fee, shall be charged.
11 Of this fee, \$25 shall be deposited into the American Red Cross
12 Fund and \$2 shall be deposited into the Secretary of State
13 Special License Plate Fund.

14 (d) The American Red Cross Fund is created as a special
15 fund in the State treasury. All moneys in the American Red
16 Cross Fund shall be paid, subject to appropriation by the
17 General Assembly and distribution by the Secretary, as grants
18 to the American Red Cross or to charitable entities designated
19 by the American Red Cross.

20 (Source: P.A. 98-151, eff. 1-1-14; revised 10-16-13.)

21 (625 ILCS 5/3-699.5)

22 Sec. 3-699.5 ~~3-699~~. Illinois Police Benevolent and
23 Protective Association license plates.

24 (a) The Secretary, upon receipt of an application made in
25 the form prescribed by the Secretary, may issue special

1 registration plates designated as Illinois Police Benevolent
2 and Protective Association license plates. The special plates
3 issued under this Section shall be affixed only to passenger
4 vehicles of the first division and motor vehicles of the second
5 division weighing not more than 8,000 pounds. Plates issued
6 under this Section shall expire according to the multi-year
7 procedure established by Section 3-414.1 of this Code.

8 (b) The design and color of the plates is wholly within the
9 discretion of the Secretary. The Secretary may allow the plates
10 to be issued as vanity plates or personalized under Section
11 3-405.1 of the Code. The Secretary shall prescribe stickers or
12 decals as provided under Section 3-412 of this Code. The
13 Secretary may, in his or her discretion, allow the plates to be
14 issued as vanity or personalized plates in accordance with
15 Section 3-405.1 of this Code.

16 (c) An applicant for the special plate shall be charged a
17 \$25 fee for original issuance in addition to the appropriate
18 registration fee. Of this fee, \$10 shall be deposited into the
19 Illinois Police Benevolent and Protective Association Fund and
20 \$15 shall be deposited into the Secretary of State Special
21 License Plate Fund, to be used by the Secretary to help defray
22 the administrative processing costs.

23 For each registration renewal period, a \$25 fee, in
24 addition to the appropriate registration fee, shall be charged.
25 Of this fee, \$23 shall be deposited into the Illinois Police
26 Benevolent and Protective Association Fund and \$2 shall be

1 deposited into the Secretary of State Special License Plate
2 Fund.

3 (d) The Illinois Police Benevolent and Protective
4 Association Fund is created as a special fund in the State
5 treasury. All money in the Illinois Police Benevolent and
6 Protective Association Fund shall be paid, subject to
7 appropriation by the General Assembly and distribution by the
8 Secretary, as grants to the Illinois Police Benevolent and
9 Protective Association for the purposes of providing death
10 benefits for the families of police officers killed in the line
11 of duty, providing scholarships for undergraduate study to
12 children and spouses of police officers killed in the line of
13 duty, and educating the public and police officers regarding
14 policing and public safety.

15 (Source: P.A. 98-233, eff. 1-1-14; revised 10-16-13.)

16 (625 ILCS 5/3-699.6)

17 Sec. 3-699.6 ~~3-699~~. Alzheimer's Awareness license plates.

18 (a) The Secretary, upon receipt of an application made in
19 the form prescribed by the Secretary, may issue special
20 registration plates designated as Alzheimer's Awareness
21 license plates. The special plates issued under this Section
22 shall be affixed only to passenger vehicles of the first
23 division and motor vehicles of the second division weighing not
24 more than 8,000 pounds. Plates issued under this Section shall
25 expire according to the multi-year procedure established by

1 Section 3-414.1 of this Code.

2 (b) The design and color of the plates is wholly within the
3 discretion of the Secretary. The Secretary may allow the plates
4 to be issued as vanity plates or personalized under Section
5 3-405.1 of this Code. The Secretary shall prescribe stickers or
6 decals as provided under Section 3-412 of this Code.

7 (c) An applicant for the special plate shall be charged a
8 \$25 fee for original issuance in addition to the appropriate
9 registration fee. Of this fee, \$10 shall be deposited into the
10 Alzheimer's Awareness Fund and \$15 shall be deposited into the
11 Secretary of State Special License Plate Fund, to be used by
12 the Secretary to help defray administrative processing costs.

13 For each registration renewal period, a \$25 fee, in
14 addition to the appropriate registration fee, shall be charged.
15 Of this fee, \$23 shall be deposited into the Alzheimer's
16 Awareness Fund and \$2 shall be deposited into the Secretary of
17 State Special License Plate Fund.

18 (d) The Alzheimer's Awareness Fund is created as a special
19 fund in the State treasury. All money in the Alzheimer's
20 Awareness Fund shall be paid, subject to appropriation by the
21 General Assembly and distribution by the Secretary, as grants
22 to the Alzheimer's Disease and Related Disorders Association,
23 Greater Illinois Chapter, for Alzheimer's care, support,
24 education, and awareness programs.

25 (Source: P.A. 98-259, eff. 1-1-14; revised 10-16-13.)

1 (625 ILCS 5/3-699.7)

2 Sec. 3-699.7 ~~3-699~~. Prince Hall Freemasonry plates.

3 (a) The Secretary, upon receipt of all applicable fees and
4 applications made in the form prescribed by the Secretary, may
5 issue special registration plates designated as Prince Hall
6 Freemasonry license plates.

7 The special plates issued under this Section shall be
8 affixed only to passenger vehicles of the first division or
9 motor vehicles of the second division weighing not more than
10 8,000 pounds.

11 Plates issued under this Section shall expire according to
12 the multi-year procedure established by Section 3-414.1 of this
13 Code.

14 (b) The design and color of the special plates shall be
15 wholly within the discretion of the Secretary. Appropriate
16 documentation, as determined by the Secretary, shall accompany
17 each application.

18 (c) An applicant for the special plate shall be charged a
19 \$25 fee for original issuance in addition to the appropriate
20 registration fee. Of this fee, \$10 shall be deposited into the
21 Master Mason Fund and \$15 shall be deposited into the Secretary
22 of State Special License Plate Fund, to be used by the
23 Secretary to help defray the administrative processing costs.

24 For each registration renewal period, a \$25 fee, in
25 addition to the appropriate registration fee, shall be charged.
26 Of this fee, \$23 shall be deposited into the Master Mason Fund

1 and \$2 shall be deposited into the Secretary of State Special
2 License Plate Fund.

3 (Source: P.A. 98-300, eff. 1-1-14; revised 10-16-13.)

4 (625 ILCS 5/3-699.8)

5 Sec. 3-699.8 ~~3-699~~. Illinois Police K-9 Memorial Plates.

6 (a) The Secretary, upon receipt of all applicable fees and
7 applications made in the form prescribed by the Secretary, may
8 issue special registration plates designated as Illinois
9 Police K-9 Memorial license plates. The special plates issued
10 under this Section shall be affixed only to passenger vehicles
11 of the first division or motor vehicles of the second division
12 weighing not more than 8,000 pounds. Plates issued under this
13 Section shall expire according to the multi-year procedure
14 established by Section 3-414.1 of this Code.

15 (b) The design and color of the plates is wholly within the
16 discretion of the Secretary. The Secretary may allow the plates
17 to be issued as vanity plates or personalized under Section
18 3-405.1 of the Code. Appropriate documentation, as determined
19 by the Secretary, shall accompany each application. The
20 Secretary shall prescribe stickers or decals as provided under
21 Section 3-412 of this Code.

22 (c) An applicant shall be charged a \$40 fee for original
23 issuance in addition to the applicable registration fee. Of
24 this additional fee, \$15 shall be deposited into the Secretary
25 of State Special License Plate Fund and \$25 shall be deposited

1 into the Illinois Police K-9 Memorial Fund. For each
2 registration renewal period, a \$27 fee, in addition to the
3 appropriate registration fee, shall be charged. Of this
4 additional fee, \$2 shall be deposited into the Secretary of
5 State Special License Plate Fund and \$25 shall be deposited
6 into the Illinois Police K-9 Memorial Fund.

7 (d) The Illinois Police K-9 Memorial Fund is created as a
8 special fund in the State treasury. All moneys in the Illinois
9 Police K-9 Memorial Fund shall be paid, subject to
10 appropriation by the General Assembly and distribution by the
11 Secretary, as grants to the Northern Illinois Police K-9
12 Memorial for the creation, operation, and maintenance of a
13 police K-9 memorial monument.

14 (Source: P.A. 98-360, eff. 1-1-14; revised 10-16-13.)

15 (625 ILCS 5/3-699.9)

16 Sec. 3-699.9 ~~3-699~~. Public Safety Diver license plates.

17 (a) The Secretary, upon receipt of an application made in
18 the form prescribed by the Secretary of State, may issue
19 special registration plates designated to be Public Safety
20 Diver license plates. The special plates issued under this
21 Section shall be affixed only to passenger vehicles of the
22 first division, motor vehicles of the second division weighing
23 not more than 8,000 pounds, and recreational vehicles as
24 defined by Section 1-169 of this Code. Plates issued under this
25 Section shall expire according to the multi-year procedure

1 established by Section 3-414.1 of this Code.

2 (b) The design and color of the plates shall be wholly
3 within the discretion of the Secretary of State. Appropriate
4 documentation, as determined by the Secretary, shall accompany
5 the application. The Secretary may, in his or her discretion,
6 allow the plates to be issued as vanity or personalized plates
7 in accordance with Section 3-405.1 of this Code.

8 (c) An applicant shall be charged a \$45 fee for original
9 issuance in addition to the appropriate registration fee, if
10 applicable. Of this fee, \$30 shall be deposited into the Public
11 Safety Diver Fund and \$15 shall be deposited into the Secretary
12 of State Special License Plate Fund. For each registration
13 renewal period, a \$27 fee, in addition to the appropriate
14 registration fee, shall be charged. Of this fee, \$25 shall be
15 deposited into the Public Safety Diver Fund and \$2 shall be
16 deposited into the Secretary of State Special License Plate
17 Fund.

18 (d) The Public Safety Diver Fund is created as a special
19 fund in the State treasury. All moneys in the Public Safety
20 Diver Fund shall be paid, subject to appropriation by the
21 General Assembly and distribution by the Secretary, to the
22 Illinois Law Enforcement Training Standards Board for the
23 purposes of providing grants based on need for training,
24 standards, and equipment to public safety disciplines within
25 the State and to units of local government involved in public
26 safety diving and water rescue services.

1 (e) The Public Safety Diver Advisory Committee shall
2 recommend grant rewards with the intent of achieving reasonably
3 equitable distribution of funds between police, firefighting,
4 and public safety diving services making application for grants
5 under this Section.

6 (f) The administrative costs related to management of
7 grants made from the Public Safety Diver Fund shall be paid
8 from the Public Safety Diver Fund to the Illinois Law
9 Enforcement Training Standards Board.

10 (Source: P.A. 98-376, eff. 1-1-14; revised 10-16-13.)

11 (625 ILCS 5/3-699.10)

12 Sec. 3-699.10 ~~3-699~~. The H Foundation - Committed to a Cure
13 for Cancer plates.

14 (a) The Secretary, upon receipt of all applicable fees and
15 applications made in the form prescribed by the Secretary, may
16 issue special registration plates designated as The H
17 Foundation - Committed to a Cure for Cancer license plates. The
18 special plates issued under this Section shall be affixed only
19 to passenger vehicles of the first division or motor vehicles
20 of the second division weighing not more than 8,000 pounds.
21 Plates issued under this Section shall expire according to the
22 multi-year procedure established by Section 3-414.1 of this
23 Code.

24 (b) The design and color of the special plates shall be
25 wholly within the discretion of the Secretary. Appropriate

1 documentation, as determined by the Secretary, shall accompany
2 each application.

3 (c) An applicant for the special plate shall be charged a
4 \$40 fee for original issuance in addition to the appropriate
5 registration fee. Of this fee, \$25 shall be deposited into the
6 Committed to a Cure Fund and \$15 shall be deposited into the
7 Secretary of State Special License Plate Fund, to be used by
8 the Secretary to help defray the administrative processing
9 costs. For each registration renewal period, a \$27 fee, in
10 addition to the appropriate registration fee, shall be charged.
11 Of this fee, \$25 shall be deposited into the Committed to a
12 Cure Fund and \$2 shall be deposited into the Secretary of State
13 Special License Plate Fund.

14 (d) The Committed to a Cure Fund is created as a special
15 fund in the State treasury. All money in the Committed to a
16 Cure Fund shall be paid, subject to appropriation by the
17 General Assembly and distribution by the Secretary, as grants
18 to the Robert H. Lurie Comprehensive Cancer Center of
19 Northwestern University for the purpose of funding scientific
20 research on cancer.

21 (Source: P.A. 98-382, eff. 1-1-14; revised 10-16-13.)

22 (625 ILCS 5/3-699.11)

23 Sec. 3-699.11 ~~3-699~~. Retired Law Enforcement license
24 plates.

25 (a) The Secretary, upon receipt of an application made in

1 the form prescribed by the Secretary, may issue special
2 registration plates designated as Retired Law Enforcement
3 license plates to residents of Illinois who meet eligibility
4 requirements prescribed by the Secretary of State. The special
5 plates issued under this Section shall be affixed only to
6 passenger vehicles of the first division and motor vehicles of
7 the second division weighing not more than 8,000 pounds. Plates
8 issued under this Section shall expire according to the
9 multi-year procedure established by Section 3-414.1 of this
10 Code.

11 (b) The design and color of the plates is wholly within the
12 discretion of the Secretary. The Secretary may allow the plates
13 to be issued as vanity plates or personalized under Section
14 3-405.1 of the Code. The Secretary shall prescribe stickers or
15 decals as provided under Section 3-412 of this Code.

16 (c) An applicant for the special plate shall be charged a
17 \$25 fee for original issuance in addition to the appropriate
18 registration fee. Of this fee, \$10 shall be deposited into the
19 Illinois Sheriffs' Association Scholarship and Training Fund
20 and \$15 shall be deposited into the Secretary of State Special
21 License Plate Fund, to be used by the Secretary to help defray
22 the administrative processing costs.

23 For each registration renewal period, a \$25 fee, in
24 addition to the appropriate registration fee, shall be charged.
25 Of this fee, \$23 shall be deposited into the Illinois Sheriffs'
26 Association Scholarship and Training Fund and \$2 shall be

1 deposited into the Secretary of State Special License Plate
2 Fund.

3 (d) The Illinois Sheriffs' Association Scholarship and
4 Training Fund is created as a special fund in the State
5 treasury. All money in the Illinois Sheriffs' Association
6 Scholarship and Training Fund shall be paid, subject to
7 appropriation by the General Assembly and distribution by the
8 Secretary, as grants to the Illinois Sheriffs' Association, for
9 scholarships obtained in a competitive process to attend the
10 Illinois Teen Institute or an accredited college or university,
11 for programs designed to benefit the elderly and teens, and for
12 law enforcement training.

13 (Source: P.A. 98-395, eff. 1-1-14; revised 10-16-13.)

14 (625 ILCS 5/3-699.12)

15 Sec. 3-699.12 ~~3-699~~. Legion of Merit plates. The Secretary,
16 upon receipt of an application made in the form prescribed by
17 the Secretary of State, may issue special registration plates
18 designated as Legion of Merit license plates to recipients
19 awarded the Legion of Merit by a branch of the armed forces of
20 the United States who reside in Illinois. The special plates
21 issued pursuant to this Section should be affixed only to
22 passenger vehicles of the 1st division, including motorcycles,
23 or motor vehicles of the 2nd division weighing not more than
24 8,000 pounds. The Secretary may, in his or her discretion,
25 allow the plates to be issued as vanity or personalized plates

1 in accordance with Section 3-405.1 of this Code. The Secretary
2 of State must make a version of the special registration plates
3 authorized under this Section in a form appropriate for
4 motorcycles.

5 The design and color of such plates shall be wholly within
6 the discretion of the Secretary of State. No registration fee,
7 including the fees established under Section 3-806 of this
8 Code, shall be charged for the issuance or renewal of any
9 plates issued under this Section.

10 (Source: P.A. 98-406, eff. 1-1-14; revised 10-16-13.)

11 (625 ILCS 5/3-699.13)

12 Sec. 3-699.13 ~~3-699~~. Illinois State Police Memorial Park
13 license plates.

14 (a) The Secretary, upon receipt of an application made in
15 the form prescribed by the Secretary of State, may issue
16 special registration plates designated as Illinois State
17 Police Memorial Park license plates. The special plates issued
18 under this Section shall be affixed only to passenger vehicles
19 of the first division or motor vehicles of the second division
20 weighing not more than 8,000 pounds. Plates issued under this
21 Section shall expire according to the multi-year procedure
22 established by Section 3-414.1 of this Code.

23 (b) The design and color of the plates shall be wholly
24 within the discretion of the Secretary of State. The Secretary
25 may, in his or her discretion, allow the plates to be issued as

1 vanity or personalized plates in accordance with Section
2 3-405.1 of this Code. The Secretary shall prescribe stickers or
3 decals as provided under Section 3-412 of this Code.

4 (c) An applicant shall be charged a \$25 fee for original
5 issuance in addition to the appropriate registration fee, if
6 applicable. Of this fee, \$10 shall be deposited into the
7 Illinois State Police Memorial Park Fund and \$15 shall be
8 deposited into the Secretary of State Special License Plate
9 Fund. For each registration renewal period, a \$25 fee, in
10 addition to the appropriate registration fee, shall be charged.
11 Of this fee, \$23 shall be deposited into the Illinois State
12 Police Memorial Park Fund and \$2 shall be deposited into the
13 Secretary of State Special License Plate Fund.

14 (d) The Illinois State Police Memorial Park Fund is created
15 as a special fund in the State treasury. All moneys in the
16 Illinois State Police Memorial Park Fund shall be paid, subject
17 to appropriation by the General Assembly and distribution by
18 the Secretary, as grants to the Illinois State Police Heritage
19 Foundation, Inc. for building and maintaining a memorial and
20 park, holding an annual memorial commemoration, giving
21 scholarships to children of State police officers killed or
22 catastrophically injured in the line of duty, and providing
23 financial assistance to police officers and their families when
24 a police officer is killed or injured in the line of duty.

25 (Source: P.A. 98-469, eff. 8-16-13; revised 10-16-13.)

1 (625 ILCS 5/3-918)

2 Sec. 3-918. Vehicle registration and insurance. Beginning
3 with the 2016 registration year, any remittance agent engaged
4 in the business of remitting applications for the issuance or
5 renewal of vehicle registration shall ask applicants for
6 information relating to the insurance policy for the motor
7 vehicle, including the name of the insurer that issued the
8 policy, the policy number, and the expiration date of the
9 policy. This information shall be remitted to the Secretary of
10 State as part of the application. Failure to obtain this
11 information and supply it to the Secretary of State shall
12 subject the remittance agent to suspension or revocation of the
13 remittance agent's ~~their~~ license as described in Section 3-907
14 of this Code.

15 (Source: P.A. 98-539, eff. 1-1-14; revised 11-19-13.)

16 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

17 Sec. 5-301. Automotive parts recyclers, scrap processors,
18 repairers and rebuilders must be licensed.

19 (a) No person in this State shall, except as an incident to
20 the servicing of vehicles, carry on or conduct the business of
21 an ~~a~~ automotive parts recycler ~~recyclers~~, a scrap processor, a
22 repairer, or a rebuilder, unless licensed to do so in writing
23 by the Secretary of State under this Section. No person shall
24 rebuild a salvage vehicle unless such person is licensed as a
25 rebuilder by the Secretary of State under this Section. No

1 person shall engage in the business of acquiring 5 or more
2 previously owned vehicles in one calendar year for the primary
3 purpose of disposing of those vehicles in the manner described
4 in the definition of a "scrap processor" in this Code unless
5 the person is licensed as an automotive parts recycler by the
6 Secretary of State under this Section. Each license shall be
7 applied for and issued separately, except that a license issued
8 to a new vehicle dealer under Section 5-101 of this Code shall
9 also be deemed to be a repairer license.

10 (b) Any application filed with the Secretary of State,
11 shall be duly verified by oath, in such form as the Secretary
12 of State may by rule or regulation prescribe and shall contain:

13 1. The name and type of business organization of the
14 applicant and his principal or additional places of
15 business, if any, in this State.

16 2. The kind or kinds of business enumerated in
17 subsection (a) of this Section to be conducted at each
18 location.

19 3. If the applicant is a corporation, a list of its
20 officers, directors, and shareholders having a ten percent
21 or greater ownership interest in the corporation, setting
22 forth the residence address of each; if the applicant is a
23 sole proprietorship, a partnership, an unincorporated
24 association, a trust, or any similar form of business
25 organization, the names and residence address of the
26 proprietor or of each partner, member, officer, director,

1 trustee or manager.

2 4. A statement that the applicant's officers,
3 directors, shareholders having a ten percent or greater
4 ownership interest therein, proprietor, partner, member,
5 officer, director, trustee, manager, or other principals
6 in the business have not committed in the past three years
7 any one violation as determined in any civil or criminal or
8 administrative proceedings of any one of the following
9 Acts:

10 (a) The Anti-Theft ~~Anti-Theft~~ Laws of the Illinois
11 Vehicle Code;

12 (b) The "Certificate of Title Laws" of the Illinois
13 Vehicle Code;

14 (c) The "Offenses against Registration and
15 Certificates of Title Laws" of the Illinois Vehicle
16 Code;

17 (d) The "Dealers, Transporters, Wreckers and
18 Rebuilders Laws" of the Illinois Vehicle Code;

19 (e) Section 21-2 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, Criminal Trespass to
21 Vehicles; or

22 (f) The Retailers Occupation Tax Act.

23 5. A statement that the applicant's officers,
24 directors, shareholders having a ten percent or greater
25 ownership interest therein, proprietor, partner, member,
26 officer, director, trustee, manager or other principals in

1 the business have not committed in any calendar year 3 or
2 more violations, as determined in any civil or criminal or
3 administrative proceedings, of any one or more of the
4 following Acts:

5 (a) The Consumer Finance Act;

6 (b) The Consumer Installment Loan Act;

7 (c) The Retail Installment Sales Act;

8 (d) The Motor Vehicle Retail Installment Sales
9 Act;

10 (e) The Interest Act;

11 (f) The Illinois Wage Assignment Act;

12 (g) Part 8 of Article XII of the Code of Civil
13 Procedure; or

14 (h) The Consumer Fraud Act.

15 6. An application for a license shall be accompanied by
16 the following fees: \$50 for applicant's established place
17 of business; \$25 for each additional place of business, if
18 any, to which the application pertains; provided, however,
19 that if such an application is made after June 15 of any
20 year, the license fee shall be \$25 for applicant's
21 established place of business plus \$12.50 for each
22 additional place of business, if any, to which the
23 application pertains. License fees shall be returnable
24 only in the event that such application shall be denied by
25 the Secretary of State.

26 7. A statement that the applicant understands Chapter 1

1 through Chapter 5 of this Code.

2 8. A statement that the applicant shall comply with
3 subsection (e) of this Section.

4 (c) Any change which renders no longer accurate any
5 information contained in any application for a license filed
6 with the Secretary of State shall be amended within 30 days
7 after the occurrence of such change on such form as the
8 Secretary of State may prescribe by rule or regulation,
9 accompanied by an amendatory fee of \$2.

10 (d) Anything in this chapter to the contrary,
11 notwithstanding, no person shall be licensed under this Section
12 unless such person shall maintain an established place of
13 business as defined in this Chapter.

14 (e) The Secretary of State shall within a reasonable time
15 after receipt thereof, examine an application submitted to him
16 under this Section and unless he makes a determination that the
17 application submitted to him does not conform with the
18 requirements of this Section or that grounds exist for a denial
19 of the application, as prescribed in Section 5-501 of this
20 Chapter, grant the applicant an original license as applied for
21 in writing for his established place of business and a
22 supplemental license in writing for each additional place of
23 business in such form as he may prescribe by rule or regulation
24 which shall include the following:

25 1. The name of the person licensed;

26 2. If a corporation, the name and address of its

1 officers or if a sole proprietorship, a partnership, an
2 unincorporated association or any similar form of business
3 organization, the name and address of the proprietor or of
4 each partner, member, officer, director, trustee or
5 manager;

6 3. A designation of the kind or kinds of business
7 enumerated in subsection (a) of this Section to be
8 conducted at each location;

9 4. In the case of an original license, the established
10 place of business of the licensee;

11 5. In the case of a supplemental license, the
12 established place of business of the licensee and the
13 additional place of business to which such supplemental
14 license pertains.

15 (f) The appropriate instrument evidencing the license or a
16 certified copy thereof, provided by the Secretary of State
17 shall be kept, posted, conspicuously in the established place
18 of business of the licensee and in each additional place of
19 business, if any, maintained by such licensee. The licensee
20 also shall post conspicuously in the established place of
21 business and in each additional place of business a notice
22 which states that such business is required to be licensed by
23 the Secretary of State under Section 5-301, and which provides
24 the license number of the business and the license expiration
25 date. This notice also shall advise the consumer that any
26 complaints as to the quality of service may be brought to the

1 attention of the Attorney General. The information required on
2 this notice also shall be printed conspicuously on all
3 estimates and receipts for work by the licensee subject to this
4 Section. The Secretary of State shall prescribe the specific
5 format of this notice.

6 (g) Except as provided in subsection (h) hereof, licenses
7 granted under this Section shall expire by operation of law on
8 December 31 of the calendar year for which they are granted
9 unless sooner revoked or cancelled under the provisions of
10 Section 5-501 of this Chapter.

11 (h) Any license granted under this Section may be renewed
12 upon application and payment of the fee required herein as in
13 the case of an original license, provided, however, that in
14 case an application for the renewal of an effective license is
15 made during the month of December, such effective license shall
16 remain in force until such application is granted or denied by
17 the Secretary of State.

18 (i) All automotive repairers and rebuilders shall, in
19 addition to the requirements of subsections (a) through (h) of
20 this Section, meet the following licensing requirements:

21 1. Provide proof that the property on which first time
22 applicants plan to do business is in compliance with local
23 zoning laws and regulations, and a listing of zoning
24 classification;

25 2. Provide proof that the applicant for a repairer's
26 license complies with the proper workers' compensation

1 rate code or classification, and listing the code of
2 classification for that industry;

3 3. Provide proof that the applicant for a rebuilder's
4 license complies with the proper workers' compensation
5 rate code or classification for the repair industry or the
6 auto parts recycling industry and listing the code of
7 classification;

8 4. Provide proof that the applicant has obtained or
9 applied for a hazardous waste generator number, and listing
10 the actual number if available or certificate of exemption;

11 5. Provide proof that applicant has proper liability
12 insurance, and listing the name of the insurer and the
13 policy number; and

14 6. Provide proof that the applicant has obtained or
15 applied for the proper State sales tax classification and
16 federal identification tax number, and listing the actual
17 numbers if available.

18 (i-1) All automotive repairers shall provide proof that
19 they comply with all requirements of the Automotive Collision
20 Repair Act.

21 (j) All automotive parts recyclers shall, in addition to
22 the requirements of subsections (a) through (h) of this
23 Section, meet the following licensing requirements:

24 1. Provide a ~~A~~ statement that the applicant purchases 5
25 vehicles per year or has 5 hulks or chassis in stock;

26 2. Provide proof that the property on which all first

1 time applicants will do business does comply to the proper
2 local zoning laws in existence, and a listing of zoning
3 classifications;

4 3. Provide proof that applicant complies with the
5 proper workers' compensation rate code or classification,
6 and listing the code of classification; and

7 4. Provide proof that applicant has obtained or applied
8 for the proper State sales tax classification and federal
9 identification tax number, and listing the actual numbers
10 if available.

11 (Source: P.A. 97-832, eff. 7-20-12; 97-1150, eff. 1-25-13;
12 revised 9-24-13.)

13 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

14 (Text of Section before amendment by P.A. 98-167)

15 Sec. 6-103. What persons shall not be licensed as drivers
16 or granted permits. The Secretary of State shall not issue,
17 renew, or allow the retention of any driver's license nor issue
18 any permit under this Code:

19 1. To any person, as a driver, who is under the age of
20 18 years except as provided in Section 6-107, and except
21 that an instruction permit may be issued under Section
22 6-107.1 to a child who is not less than 15 years of age if
23 the child is enrolled in an approved driver education
24 course as defined in Section 1-103 of this Code and
25 requires an instruction permit to participate therein,

1 except that an instruction permit may be issued under the
2 provisions of Section 6-107.1 to a child who is 17 years
3 and 3 months of age without the child having enrolled in an
4 approved driver education course and except that an
5 instruction permit may be issued to a child who is at least
6 15 years and 3 months of age, is enrolled in school, meets
7 the educational requirements of the Driver Education Act,
8 and has passed examinations the Secretary of State in his
9 or her discretion may prescribe;

10 2. To any person who is under the age of 18 as an
11 operator of a motorcycle other than a motor driven cycle
12 unless the person has, in addition to meeting the
13 provisions of Section 6-107 of this Code, successfully
14 completed a motorcycle training course approved by the
15 Illinois Department of Transportation and successfully
16 completes the required Secretary of State's motorcycle
17 driver's examination;

18 3. To any person, as a driver, whose driver's license
19 or permit has been suspended, during the suspension, nor to
20 any person whose driver's license or permit has been
21 revoked, except as provided in Sections 6-205, 6-206, and
22 6-208;

23 4. To any person, as a driver, who is a user of alcohol
24 or any other drug to a degree that renders the person
25 incapable of safely driving a motor vehicle;

26 5. To any person, as a driver, who has previously been

1 adjudged to be afflicted with or suffering from any mental
2 or physical disability or disease and who has not at the
3 time of application been restored to competency by the
4 methods provided by law;

5 6. To any person, as a driver, who is required by the
6 Secretary of State to submit an alcohol and drug evaluation
7 or take an examination provided for in this Code unless the
8 person has successfully passed the examination and
9 submitted any required evaluation;

10 7. To any person who is required under the provisions
11 of the laws of this State to deposit security or proof of
12 financial responsibility and who has not deposited the
13 security or proof;

14 8. To any person when the Secretary of State has good
15 cause to believe that the person by reason of physical or
16 mental disability would not be able to safely operate a
17 motor vehicle upon the highways, unless the person shall
18 furnish to the Secretary of State a verified written
19 statement, acceptable to the Secretary of State, from a
20 competent medical specialist, a licensed physician
21 assistant who has been delegated the performance of medical
22 examinations by his or her supervising physician, or a
23 licensed advanced practice nurse who has a written
24 collaborative agreement with a collaborating physician
25 which authorizes him or her to perform medical
26 examinations, to the effect that the operation of a motor

1 vehicle by the person would not be inimical to the public
2 safety;

3 9. To any person, as a driver, who is 69 years of age
4 or older, unless the person has successfully complied with
5 the provisions of Section 6-109;

6 10. To any person convicted, within 12 months of
7 application for a license, of any of the sexual offenses
8 enumerated in paragraph 2 of subsection (b) of Section
9 6-205;

10 11. To any person who is under the age of 21 years with
11 a classification prohibited in paragraph (b) of Section
12 6-104 and to any person who is under the age of 18 years
13 with a classification prohibited in paragraph (c) of
14 Section 6-104;

15 12. To any person who has been either convicted of or
16 adjudicated under the Juvenile Court Act of 1987 based upon
17 a violation of the Cannabis Control Act, the Illinois
18 Controlled Substances Act, or the Methamphetamine Control
19 and Community Protection Act while that person was in
20 actual physical control of a motor vehicle. For purposes of
21 this Section, any person placed on probation under Section
22 10 of the Cannabis Control Act, Section 410 of the Illinois
23 Controlled Substances Act, or Section 70 of the
24 Methamphetamine Control and Community Protection Act shall
25 not be considered convicted. Any person found guilty of
26 this offense, while in actual physical control of a motor

1 vehicle, shall have an entry made in the court record by
2 the judge that this offense did occur while the person was
3 in actual physical control of a motor vehicle and order the
4 clerk of the court to report the violation to the Secretary
5 of State as such. The Secretary of State shall not issue a
6 new license or permit for a period of one year;

7 13. To any person who is under the age of 18 years and
8 who has committed the offense of operating a motor vehicle
9 without a valid license or permit in violation of Section
10 6-101 or a similar out of state offense;

11 14. To any person who is 90 days or more delinquent in
12 court ordered child support payments or has been
13 adjudicated in arrears in an amount equal to 90 days'
14 obligation or more and who has been found in contempt of
15 court for failure to pay the support, subject to the
16 requirements and procedures of Article VII of Chapter 7 of
17 the Illinois Vehicle Code;

18 14.5. To any person certified by the Illinois
19 Department of Healthcare and Family Services as being 90
20 days or more delinquent in payment of support under an
21 order of support entered by a court or administrative body
22 of this or any other State, subject to the requirements and
23 procedures of Article VII of Chapter 7 of this Code
24 regarding those certifications;

25 15. To any person released from a term of imprisonment
26 for violating Section 9-3 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, or a similar provision of a law
2 of another state relating to reckless homicide or for
3 violating subparagraph (F) of paragraph (1) of subsection
4 (d) of Section 11-501 of this Code relating to aggravated
5 driving under the influence of alcohol, other drug or
6 drugs, intoxicating compound or compounds, or any
7 combination thereof, if the violation was the proximate
8 cause of a death, within 24 months of release from a term
9 of imprisonment;

10 16. To any person who, with intent to influence any act
11 related to the issuance of any driver's license or permit,
12 by an employee of the Secretary of State's Office, or the
13 owner or employee of any commercial driver training school
14 licensed by the Secretary of State, or any other individual
15 authorized by the laws of this State to give driving
16 instructions or administer all or part of a driver's
17 license examination, promises or tenders to that person any
18 property or personal advantage which that person is not
19 authorized by law to accept. Any persons promising or
20 tendering such property or personal advantage shall be
21 disqualified from holding any class of driver's license or
22 permit for 120 consecutive days. The Secretary of State
23 shall establish by rule the procedures for implementing
24 this period of disqualification and the procedures by which
25 persons so disqualified may obtain administrative review
26 of the decision to disqualify;

1 17. To any person for whom the Secretary of State
2 cannot verify the accuracy of any information or
3 documentation submitted in application for a driver's
4 license; or

5 18. To any person who has been adjudicated under the
6 Juvenile Court Act of 1987 based upon an offense that is
7 determined by the court to have been committed in
8 furtherance of the criminal activities of an organized
9 gang, as provided in Section 5-710 of that Act, and that
10 involved the operation or use of a motor vehicle or the use
11 of a driver's license or permit. The person shall be denied
12 a license or permit for the period determined by the court.

13 The Secretary of State shall retain all conviction
14 information, if the information is required to be held
15 confidential under the Juvenile Court Act of 1987.

16 (Source: P.A. 96-607, eff. 8-24-09; 96-740, eff. 1-1-10;
17 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 97-185, eff.
18 7-22-11; 97-1150, eff. 1-25-13.)

19 (Text of Section after amendment by P.A. 98-167)

20 Sec. 6-103. What persons shall not be licensed as drivers
21 or granted permits. The Secretary of State shall not issue,
22 renew, or allow the retention of any driver's license nor issue
23 any permit under this Code:

24 1. To any person, as a driver, who is under the age of
25 18 years except as provided in Section 6-107, and except

1 that an instruction permit may be issued under Section
2 6-107.1 to a child who is not less than 15 years of age if
3 the child is enrolled in an approved driver education
4 course as defined in Section 1-103 of this Code and
5 requires an instruction permit to participate therein,
6 except that an instruction permit may be issued under the
7 provisions of Section 6-107.1 to a child who is 17 years
8 and 3 months of age without the child having enrolled in an
9 approved driver education course and except that an
10 instruction permit may be issued to a child who is at least
11 15 years and 3 months of age, is enrolled in school, meets
12 the educational requirements of the Driver Education Act,
13 and has passed examinations the Secretary of State in his
14 or her discretion may prescribe;

15 1.5. To any person at least 18 years of age but less
16 than 21 years of age unless the person has, in addition to
17 any other requirements of this Code, successfully
18 completed an adult driver education course as provided in
19 Section 6-107.5 of this Code; ~~—~~

20 2. To any person who is under the age of 18 as an
21 operator of a motorcycle other than a motor driven cycle
22 unless the person has, in addition to meeting the
23 provisions of Section 6-107 of this Code, successfully
24 completed a motorcycle training course approved by the
25 Illinois Department of Transportation and successfully
26 completes the required Secretary of State's motorcycle

1 driver's examination;

2 3. To any person, as a driver, whose driver's license
3 or permit has been suspended, during the suspension, nor to
4 any person whose driver's license or permit has been
5 revoked, except as provided in Sections 6-205, 6-206, and
6 6-208;

7 4. To any person, as a driver, who is a user of alcohol
8 or any other drug to a degree that renders the person
9 incapable of safely driving a motor vehicle;

10 5. To any person, as a driver, who has previously been
11 adjudged to be afflicted with or suffering from any mental
12 or physical disability or disease and who has not at the
13 time of application been restored to competency by the
14 methods provided by law;

15 6. To any person, as a driver, who is required by the
16 Secretary of State to submit an alcohol and drug evaluation
17 or take an examination provided for in this Code unless the
18 person has successfully passed the examination and
19 submitted any required evaluation;

20 7. To any person who is required under the provisions
21 of the laws of this State to deposit security or proof of
22 financial responsibility and who has not deposited the
23 security or proof;

24 8. To any person when the Secretary of State has good
25 cause to believe that the person by reason of physical or
26 mental disability would not be able to safely operate a

1 motor vehicle upon the highways, unless the person shall
2 furnish to the Secretary of State a verified written
3 statement, acceptable to the Secretary of State, from a
4 competent medical specialist, a licensed physician
5 assistant who has been delegated the performance of medical
6 examinations by his or her supervising physician, or a
7 licensed advanced practice nurse who has a written
8 collaborative agreement with a collaborating physician
9 which authorizes him or her to perform medical
10 examinations, to the effect that the operation of a motor
11 vehicle by the person would not be inimical to the public
12 safety;

13 9. To any person, as a driver, who is 69 years of age
14 or older, unless the person has successfully complied with
15 the provisions of Section 6-109;

16 10. To any person convicted, within 12 months of
17 application for a license, of any of the sexual offenses
18 enumerated in paragraph 2 of subsection (b) of Section
19 6-205;

20 11. To any person who is under the age of 21 years with
21 a classification prohibited in paragraph (b) of Section
22 6-104 and to any person who is under the age of 18 years
23 with a classification prohibited in paragraph (c) of
24 Section 6-104;

25 12. To any person who has been either convicted of or
26 adjudicated under the Juvenile Court Act of 1987 based upon

1 a violation of the Cannabis Control Act, the Illinois
2 Controlled Substances Act, or the Methamphetamine Control
3 and Community Protection Act while that person was in
4 actual physical control of a motor vehicle. For purposes of
5 this Section, any person placed on probation under Section
6 10 of the Cannabis Control Act, Section 410 of the Illinois
7 Controlled Substances Act, or Section 70 of the
8 Methamphetamine Control and Community Protection Act shall
9 not be considered convicted. Any person found guilty of
10 this offense, while in actual physical control of a motor
11 vehicle, shall have an entry made in the court record by
12 the judge that this offense did occur while the person was
13 in actual physical control of a motor vehicle and order the
14 clerk of the court to report the violation to the Secretary
15 of State as such. The Secretary of State shall not issue a
16 new license or permit for a period of one year;

17 13. To any person who is under the age of 18 years and
18 who has committed the offense of operating a motor vehicle
19 without a valid license or permit in violation of Section
20 6-101 or a similar out of state offense;

21 14. To any person who is 90 days or more delinquent in
22 court ordered child support payments or has been
23 adjudicated in arrears in an amount equal to 90 days'
24 obligation or more and who has been found in contempt of
25 court for failure to pay the support, subject to the
26 requirements and procedures of Article VII of Chapter 7 of

1 the Illinois Vehicle Code;

2 14.5. To any person certified by the Illinois
3 Department of Healthcare and Family Services as being 90
4 days or more delinquent in payment of support under an
5 order of support entered by a court or administrative body
6 of this or any other State, subject to the requirements and
7 procedures of Article VII of Chapter 7 of this Code
8 regarding those certifications;

9 15. To any person released from a term of imprisonment
10 for violating Section 9-3 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, or a similar provision of a law
12 of another state relating to reckless homicide or for
13 violating subparagraph (F) of paragraph (1) of subsection
14 (d) of Section 11-501 of this Code relating to aggravated
15 driving under the influence of alcohol, other drug or
16 drugs, intoxicating compound or compounds, or any
17 combination thereof, if the violation was the proximate
18 cause of a death, within 24 months of release from a term
19 of imprisonment;

20 16. To any person who, with intent to influence any act
21 related to the issuance of any driver's license or permit,
22 by an employee of the Secretary of State's Office, or the
23 owner or employee of any commercial driver training school
24 licensed by the Secretary of State, or any other individual
25 authorized by the laws of this State to give driving
26 instructions or administer all or part of a driver's

1 license examination, promises or tenders to that person any
2 property or personal advantage which that person is not
3 authorized by law to accept. Any persons promising or
4 tendering such property or personal advantage shall be
5 disqualified from holding any class of driver's license or
6 permit for 120 consecutive days. The Secretary of State
7 shall establish by rule the procedures for implementing
8 this period of disqualification and the procedures by which
9 persons so disqualified may obtain administrative review
10 of the decision to disqualify;

11 17. To any person for whom the Secretary of State
12 cannot verify the accuracy of any information or
13 documentation submitted in application for a driver's
14 license; or

15 18. To any person who has been adjudicated under the
16 Juvenile Court Act of 1987 based upon an offense that is
17 determined by the court to have been committed in
18 furtherance of the criminal activities of an organized
19 gang, as provided in Section 5-710 of that Act, and that
20 involved the operation or use of a motor vehicle or the use
21 of a driver's license or permit. The person shall be denied
22 a license or permit for the period determined by the court.

23 The Secretary of State shall retain all conviction
24 information, if the information is required to be held
25 confidential under the Juvenile Court Act of 1987.

26 (Source: P.A. 97-185, eff. 7-22-11; 97-1150, eff. 1-25-13;

1 98-167, eff. 7-1-14; revised 9-18-13.)

2 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

3 Sec. 6-106. Application for license or instruction permit.

4 (a) Every application for any permit or license authorized
5 to be issued under this Code Act shall be made upon a form
6 furnished by the Secretary of State. Every application shall be
7 accompanied by the proper fee and payment of such fee shall
8 entitle the applicant to not more than 3 attempts to pass the
9 examination within a period of one ± year after the date of
10 application.

11 (b) Every application shall state the legal name, social
12 security number, zip code, date of birth, sex, and residence
13 address of the applicant; briefly describe the applicant; state
14 whether the applicant has theretofore been licensed as a
15 driver, and, if so, when and by what state or country, and
16 whether any such license has ever been cancelled, suspended,
17 revoked or refused, and, if so, the date and reason for such
18 cancellation, suspension, revocation or refusal; shall include
19 an affirmation by the applicant that all information set forth
20 is true and correct; and shall bear the applicant's signature.
21 In addition to the residence address, the Secretary may allow
22 the applicant to provide a mailing address. In the case of an
23 applicant who is a judicial officer or peace officer, the
24 Secretary may allow the applicant to provide an office or work
25 address in lieu of a residence or mailing address. The

1 application form may also require the statement of such
2 additional relevant information as the Secretary of State shall
3 deem necessary to determine the applicant's competency and
4 eligibility. The Secretary of State may, in his discretion, by
5 rule or regulation, provide that an application for a drivers
6 license or permit may include a suitable photograph of the
7 applicant in the form prescribed by the Secretary, and he may
8 further provide that each drivers license shall include a
9 photograph of the driver. The Secretary of State may utilize a
10 photograph process or system most suitable to deter alteration
11 or improper reproduction of a drivers license and to prevent
12 substitution of another photo thereon. For the purposes of this
13 subsection (b), "peace officer" means any person who by virtue
14 of his or her office or public employment is vested by law with
15 a duty to maintain public order or to make arrests for a
16 violation of any penal statute of this State, whether that duty
17 extends to all violations or is limited to specific violations.

18 (c) The application form shall include a notice to the
19 applicant of the registration obligations of sex offenders
20 under the Sex Offender Registration Act. The notice shall be
21 provided in a form and manner prescribed by the Secretary of
22 State. For purposes of this subsection (c), "sex offender" has
23 the meaning ascribed to it in Section 2 of the Sex Offender
24 Registration Act.

25 (d) Any male United States citizen or immigrant who applies
26 for any permit or license authorized to be issued under this

1 ~~Code Act~~ or for a renewal of any permit or license, and who is
2 at least 18 years of age but less than 26 years of age, must be
3 registered in compliance with the requirements of the federal
4 Military Selective Service Act. The Secretary of State must
5 forward in an electronic format the necessary personal
6 information regarding the applicants identified in this
7 subsection (d) to the Selective Service System. The applicant's
8 signature on the application serves as an indication that the
9 applicant either has already registered with the Selective
10 Service System or that he is authorizing the Secretary to
11 forward to the Selective Service System the necessary
12 information for registration. The Secretary must notify the
13 applicant at the time of application that his signature
14 constitutes consent to registration with the Selective Service
15 System, if he is not already registered.

16 (e) Beginning on or before July 1, 2015, for each original
17 or renewal driver's license application under this ~~Code Act~~,
18 the Secretary shall inquire as to whether the applicant is a
19 veteran for purposes of issuing a driver's license with a
20 veteran designation under subsection (e-5) of Section 6-110 of
21 this ~~Code Chapter~~. The acceptable forms of proof shall include,
22 but are not limited to, Department of Defense form DD-214. The
23 Secretary shall determine by rule what other forms of proof of
24 a person's status as a veteran are acceptable.

25 The Illinois Department of Veterans' Affairs shall confirm
26 the status of the applicant as an honorably discharged veteran

1 before the Secretary may issue the driver's license.

2 For purposes of this subsection (e):

3 "Active duty" means active duty under an executive order of
4 the President of the United States, an Act of the Congress of
5 the United States, or an order of the Governor.

6 "Armed forces" means any of the Armed Forces of the United
7 States, including a member of any reserve component or National
8 Guard unit called to active duty.

9 "Veteran" means a person who has served on active duty in
10 the armed forces and was discharged or separated under
11 honorable conditions.

12 (Source: P.A. 97-263, eff. 8-5-11; 97-739, eff. 1-1-13; 97-847,
13 eff. 1-1-13; 98-323, eff. 1-1-14; 98-463, eff. 8-16-13; revised
14 11-19-13.)

15 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

16 Sec. 6-108. Cancellation of license issued to minor.

17 (a) The Secretary of State shall cancel the license or
18 permit of any minor under the age of 18 years in any of the
19 following events:

20 1. Upon the verified written request of the person who
21 consented to the application of the minor that the license
22 or permit be cancelled;

23 2. Upon receipt of satisfactory evidence of the death
24 of the person who consented to the application of the
25 minor;

1 3. Upon receipt of satisfactory evidence that the
2 person who consented to the application of a minor no
3 longer has legal custody of the minor;

4 4. Upon receipt of information, submitted on a form
5 prescribed by the Secretary of State under Section 26-3a of
6 the School Code and provided voluntarily by nonpublic
7 schools, that a license-holding minor no longer meets the
8 school attendance requirements defined in Section 6-107 of
9 this Code.

10 A minor who provides proof acceptable to the Secretary
11 that the minor has resumed regular school attendance or
12 home instruction or that his or her license or permit was
13 cancelled in error shall have his or her license
14 reinstated. The Secretary shall adopt rules for
15 implementing this subdivision (a)4. ~~4.~~

16 5. Upon determination by the Secretary that at the time
17 of license issuance, the minor held an instruction permit
18 and had a traffic citation for which a disposition had not
19 been rendered.

20 After cancellation, the Secretary of State shall not issue
21 a new license or permit until the applicant meets the
22 provisions of Section 6-107 of this Code.

23 (b) The Secretary of State shall cancel the license or
24 permit of any person under the age of 18 years if he or she is
25 convicted of violating the Cannabis Control Act, the Illinois
26 Controlled Substances Act, or the Methamphetamine Control and

1 Community Protection Act while that person was in actual
2 physical control of a motor vehicle. For purposes of this
3 Section, any person placed on probation under Section 10 of the
4 Cannabis Control Act, Section 410 of the Illinois Controlled
5 Substances Act, or Section 70 of the Methamphetamine Control
6 and Community Protection Act shall not be considered convicted.
7 Any person found guilty of this offense, while in actual
8 physical control of a motor vehicle, shall have an entry made
9 in the court record by the judge that this offense did occur
10 while the person was in actual physical control of a motor
11 vehicle and order the clerk of the court to report the
12 violation to the Secretary of State as such. After the
13 cancellation, the Secretary of State shall not issue a new
14 license or permit for a period of one year after the date of
15 cancellation or until the minor attains the age of 18 years,
16 whichever is longer. However, upon application, the Secretary
17 of State may, if satisfied that the person applying will not
18 endanger the public safety, or welfare, issue a restricted
19 driving permit granting the privilege of driving a motor
20 vehicle between the person's residence and person's place of
21 employment or within the scope of the person's employment
22 related duties, or to allow transportation for the person or a
23 household member of the person's family for the receipt of
24 necessary medical care or, if the professional evaluation
25 indicates, provide transportation for the petitioner for
26 alcohol remedial or rehabilitative activity, or for the person

1 to attend classes, as a student, in an accredited educational
2 institution; if the person is able to demonstrate that no
3 alternative means of transportation is reasonably available;
4 provided that the Secretary's discretion shall be limited to
5 cases where undue hardship would result from a failure to issue
6 such restricted driving permit. In each case the Secretary of
7 State may issue a restricted driving permit for a period as he
8 deems appropriate, except that the permit shall expire within
9 one year from the date of issuance. A restricted driving permit
10 issued hereunder shall be subject to cancellation, revocation,
11 and suspension by the Secretary of State in like manner and for
12 like cause as a driver's license issued hereunder may be
13 cancelled, revoked, or suspended; except that a conviction upon
14 one or more offenses against laws or ordinances regulating the
15 movement of traffic shall be deemed sufficient cause for the
16 revocation, suspension, or cancellation of a restricted
17 driving permit. The Secretary of State may, as a condition to
18 the issuance of a restricted driving permit, require the
19 applicant to participate in a driver remedial or rehabilitative
20 program. Thereafter, upon reapplication for a license as
21 provided in Section 6-106 of this Code or a permit as provided
22 in Section 6-105 of this Code and upon payment of the
23 appropriate application fee, the Secretary of State shall issue
24 the applicant a license as provided in Section 6-106 of this
25 Code or shall issue the applicant a permit as provided in
26 Section 6-105.

1 (Source: P.A. 98-168, eff. 1-1-14; revised 11-19-13.)

2 (625 ILCS 5/6-118)

3 (Text of Section before amendment by P.A. 98-176)

4 Sec. 6-118. Fees.

5 (a) The fee for licenses and permits under this Article is
6 as follows:

7 Original driver's license \$30

8 Original or renewal driver's license
9 issued to 18, 19 and 20 year olds 5

10 All driver's licenses for persons
11 age 69 through age 80 5

12 All driver's licenses for persons
13 age 81 through age 86 2

14 All driver's licenses for persons
15 age 87 or older 0

16 Renewal driver's license (except for
17 applicants ages 18, 19 and 20 or
18 age 69 and older) 30

19 Original instruction permit issued to
20 persons (except those age 69 and older)
21 who do not hold or have not previously
22 held an Illinois instruction permit or
23 driver's license 20

24 Instruction permit issued to any person
25 holding an Illinois driver's license

1 who wishes a change in classifications,
2 other than at the time of renewal 5
3 Any instruction permit issued to a person
4 age 69 and older 5
5 Instruction permit issued to any person,
6 under age 69, not currently holding a
7 valid Illinois driver's license or
8 instruction permit but who has
9 previously been issued either document
10 in Illinois 10
11 Restricted driving permit 8
12 Monitoring device driving permit 8
13 Duplicate or corrected driver's license
14 or permit 5
15 Duplicate or corrected restricted
16 driving permit 5
17 Duplicate or corrected monitoring
18 device driving permit 5
19 Duplicate driver's license or permit issued to
20 an active-duty member of the
21 United States Armed Forces,
22 the member's spouse, or
23 the dependent children living
24 with the member 0
25 Original or renewal M or L endorsement..... 5
26 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

1 The fees for commercial driver licenses and permits
2 under Article V shall be as follows:

3 Commercial driver's license:

4 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
5 (Commercial Driver's License Information
6 System/American Association of Motor Vehicle
7 Administrators network/National Motor Vehicle
8 Title Information Service Trust Fund);
9 \$20 for the Motor Carrier Safety Inspection Fund;
10 \$10 for the driver's license;
11 and \$24 for the CDL: \$60

12 Renewal commercial driver's license:

13 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
14 \$20 for the Motor Carrier Safety Inspection Fund;
15 \$10 for the driver's license; and
16 \$24 for the CDL: \$60

17 Commercial driver instruction permit

18 issued to any person holding a valid
19 Illinois driver's license for the
20 purpose of changing to a
21 CDL classification: \$6 for the
22 CDLIS/AAMVAnet/NMVTIS Trust Fund;
23 \$20 for the Motor Carrier
24 Safety Inspection Fund; and
25 \$24 for the CDL classification \$50

26 Commercial driver instruction permit

1 issued to any person holding a valid
2 Illinois CDL for the purpose of
3 making a change in a classification,
4 endorsement or restriction \$5
5 CDL duplicate or corrected license \$5

6 In order to ensure the proper implementation of the Uniform
7 Commercial Driver License Act, Article V of this Chapter, the
8 Secretary of State is empowered to pro-rate the \$24 fee for the
9 commercial driver's license proportionate to the expiration
10 date of the applicant's Illinois driver's license.

11 The fee for any duplicate license or permit shall be waived
12 for any person who presents the Secretary of State's office
13 with a police report showing that his license or permit was
14 stolen.

15 The fee for any duplicate license or permit shall be waived
16 for any person age 60 or older whose driver's license or permit
17 has been lost or stolen.

18 No additional fee shall be charged for a driver's license,
19 or for a commercial driver's license, when issued to the holder
20 of an instruction permit for the same classification or type of
21 license who becomes eligible for such license.

22 (b) Any person whose license or privilege to operate a
23 motor vehicle in this State has been suspended or revoked under
24 Section 3-707, any provision of Chapter 6, Chapter 11, or
25 Section 7-205, 7-303, or 7-702 of the Family Financial
26 Responsibility Law of this Code, shall in addition to any other

1 fees required by this Code, pay a reinstatement fee as follows:

2	Suspension under Section 3-707	\$100
3	Summary suspension under Section 11-501.1	\$250
4	Summary revocation under Section 11-501.1	\$500
5	Other suspension	\$70
6	Revocation	\$500

7 However, any person whose license or privilege to operate a
8 motor vehicle in this State has been suspended or revoked for a
9 second or subsequent time for a violation of Section 11-501 or
10 11-501.1 of this Code or a similar provision of a local
11 ordinance or a similar out-of-state offense or Section 9-3 of
12 the Criminal Code of 1961 or the Criminal Code of 2012 and each
13 suspension or revocation was for a violation of Section 11-501
14 or 11-501.1 of this Code or a similar provision of a local
15 ordinance or a similar out-of-state offense or Section 9-3 of
16 the Criminal Code of 1961 or the Criminal Code of 2012 shall
17 pay, in addition to any other fees required by this Code, a
18 reinstatement fee as follows:

19	Summary suspension under Section 11-501.1	\$500
20	Summary revocation under Section 11-501.1	\$500
21	Revocation	\$500

22 (c) All fees collected under the provisions of this Chapter
23 6 shall be paid into the Road Fund in the State Treasury except
24 as follows:

- 25 1. The following amounts shall be paid into the Driver
26 Education Fund:

1 (A) \$16 of the \$20 fee for an original driver's
2 instruction permit;

3 (B) \$5 of the \$30 fee for an original driver's
4 license;

5 (C) \$5 of the \$30 fee for a 4 year renewal driver's
6 license;

7 (D) \$4 of the \$8 fee for a restricted driving
8 permit; and

9 (E) \$4 of the \$8 fee for a monitoring device
10 driving permit.

11 2. \$30 of the \$250 fee for reinstatement of a license
12 summarily suspended under Section 11-501.1 shall be
13 deposited into the Drunk and Drugged Driving Prevention
14 Fund. However, for a person whose license or privilege to
15 operate a motor vehicle in this State has been suspended or
16 revoked for a second or subsequent time for a violation of
17 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
18 the Criminal Code of 1961 or the Criminal Code of 2012,
19 \$190 of the \$500 fee for reinstatement of a license
20 summarily suspended under Section 11-501.1, and \$190 of the
21 \$500 fee for reinstatement of a revoked license shall be
22 deposited into the Drunk and Drugged Driving Prevention
23 Fund. \$190 of the \$500 fee for reinstatement of a license
24 summarily revoked pursuant to Section 11-501.1 shall be
25 deposited into the Drunk and Drugged Driving Prevention
26 Fund.

1 3. \$6 of such original or renewal fee for a commercial
2 driver's license and \$6 of the commercial driver
3 instruction permit fee when such permit is issued to any
4 person holding a valid Illinois driver's license, shall be
5 paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund.

6 4. \$30 of the \$70 fee for reinstatement of a license
7 suspended under the Family Financial Responsibility Law
8 shall be paid into the Family Responsibility Fund.

9 5. The \$5 fee for each original or renewal M or L
10 endorsement shall be deposited into the Cycle Rider Safety
11 Training Fund.

12 6. \$20 of any original or renewal fee for a commercial
13 driver's license or commercial driver instruction permit
14 shall be paid into the Motor Carrier Safety Inspection
15 Fund.

16 7. The following amounts shall be paid into the General
17 Revenue Fund:

18 (A) \$190 of the \$250 reinstatement fee for a
19 summary suspension under Section 11-501.1;

20 (B) \$40 of the \$70 reinstatement fee for any other
21 suspension provided in subsection (b) of this Section;
22 and

23 (C) \$440 of the \$500 reinstatement fee for a first
24 offense revocation and \$310 of the \$500 reinstatement
25 fee for a second or subsequent revocation.

26 (d) All of the proceeds of the additional fees imposed by

1 this amendatory Act of the 96th General Assembly shall be
2 deposited into the Capital Projects Fund.

3 (e) The additional fees imposed by this amendatory Act of
4 the 96th General Assembly shall become effective 90 days after
5 becoming law.

6 (f) As used in this Section, "active-duty member of the
7 United States Armed Forces" means a member of the Armed
8 Services or Reserve Forces of the United States or a member of
9 the Illinois National Guard who is called to active duty
10 pursuant to an executive order of the President of the United
11 States, an act of the Congress of the United States, or an
12 order of the Governor.

13 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
14 98-177, eff. 1-1-14.)

15 (Text of Section after amendment by P.A. 98-176)

16 Sec. 6-118. Fees.

17 (a) The fee for licenses and permits under this Article is
18 as follows:

19	Original driver's license	\$30
20	Original or renewal driver's license	
21	issued to 18, 19 and 20 year olds	5
22	All driver's licenses for persons	
23	age 69 through age 80	5
24	All driver's licenses for persons	
25	age 81 through age 86	2

1 All driver's licenses for persons

2 age 87 or older 0

3 Renewal driver's license (except for

4 applicants ages 18, 19 and 20 or

5 age 69 and older) 30

6 Original instruction permit issued to

7 persons (except those age 69 and older)

8 who do not hold or have not previously

9 held an Illinois instruction permit or

10 driver's license 20

11 Instruction permit issued to any person

12 holding an Illinois driver's license

13 who wishes a change in classifications,

14 other than at the time of renewal 5

15 Any instruction permit issued to a person

16 age 69 and older 5

17 Instruction permit issued to any person,

18 under age 69, not currently holding a

19 valid Illinois driver's license or

20 instruction permit but who has

21 previously been issued either document

22 in Illinois 10

23 Restricted driving permit 8

24 Monitoring device driving permit 8

25 Duplicate or corrected driver's license

26 or permit 5

1 Duplicate or corrected restricted
2 driving permit 5
3 Duplicate or corrected monitoring
4 device driving permit 5
5 Duplicate driver's license or permit issued to
6 an active-duty member of the
7 United States Armed Forces,
8 the member's spouse, or
9 the dependent children living
10 with the member 0
11 Original or renewal M or L endorsement..... 5

12 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

13 The fees for commercial driver licenses and permits
14 under Article V shall be as follows:

15 Commercial driver's license:

- 16 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
- 17 (Commercial Driver's License Information
- 18 System/American Association of Motor Vehicle
- 19 Administrators network/National Motor Vehicle
- 20 Title Information Service Trust Fund);
- 21 \$20 for the Motor Carrier Safety Inspection Fund;
- 22 \$10 for the driver's license;
- 23 and \$24 for the CDL: \$60

24 Renewal commercial driver's license:

- 25 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
- 26 \$20 for the Motor Carrier Safety Inspection Fund;

1 \$10 for the driver's license; and

2 \$24 for the CDL: \$60

3 Commercial learner's permit

4 issued to any person holding a valid

5 Illinois driver's license for the

6 purpose of changing to a

7 CDL classification: \$6 for the

8 CDLIS/AAMVAnet/NMVTIS Trust Fund;

9 \$20 for the Motor Carrier

10 Safety Inspection Fund; and

11 \$24 for the CDL classification \$50

12 Commercial learner's permit

13 issued to any person holding a valid

14 Illinois CDL for the purpose of

15 making a change in a classification,

16 endorsement or restriction \$5

17 CDL duplicate or corrected license \$5

18 In order to ensure the proper implementation of the Uniform

19 Commercial Driver License Act, Article V of this Chapter, the

20 Secretary of State is empowered to pro-rate the \$24 fee for the

21 commercial driver's license proportionate to the expiration

22 date of the applicant's Illinois driver's license.

23 The fee for any duplicate license or permit shall be waived

24 for any person who presents the Secretary of State's office

25 with a police report showing that his license or permit was

26 stolen.

1 The fee for any duplicate license or permit shall be waived
2 for any person age 60 or older whose driver's license or permit
3 has been lost or stolen.

4 No additional fee shall be charged for a driver's license,
5 or for a commercial driver's license, when issued to the holder
6 of an instruction permit for the same classification or type of
7 license who becomes eligible for such license.

8 (b) Any person whose license or privilege to operate a
9 motor vehicle in this State has been suspended or revoked under
10 Section 3-707, any provision of Chapter 6, Chapter 11, or
11 Section 7-205, 7-303, or 7-702 of the Family Financial
12 Responsibility Law of this Code, shall in addition to any other
13 fees required by this Code, pay a reinstatement fee as follows:

14	Suspension under Section 3-707	\$100
15	Summary suspension under Section 11-501.1	\$250
16	Summary revocation under Section 11-501.1	\$500
17	Other suspension	\$70
18	Revocation	\$500

19 However, any person whose license or privilege to operate a
20 motor vehicle in this State has been suspended or revoked for a
21 second or subsequent time for a violation of Section 11-501 or
22 11-501.1 of this Code or a similar provision of a local
23 ordinance or a similar out-of-state offense or Section 9-3 of
24 the Criminal Code of 1961 or the Criminal Code of 2012 and each
25 suspension or revocation was for a violation of Section 11-501
26 or 11-501.1 of this Code or a similar provision of a local

1 ordinance or a similar out-of-state offense or Section 9-3 of
 2 the Criminal Code of 1961 or the Criminal Code of 2012 shall
 3 pay, in addition to any other fees required by this Code, a
 4 reinstatement fee as follows:

- 5 Summary suspension under Section 11-501.1 \$500
- 6 Summary revocation under Section 11-501.1 \$500
- 7 Revocation \$500

8 (c) All fees collected under the provisions of this Chapter
 9 shall be paid into the Road Fund in the State Treasury except
 10 as follows:

11 1. The following amounts shall be paid into the Driver
 12 Education Fund:

13 (A) \$16 of the \$20 fee for an original driver's
 14 instruction permit;

15 (B) \$5 of the \$30 fee for an original driver's
 16 license;

17 (C) \$5 of the \$30 fee for a 4 year renewal driver's
 18 license;

19 (D) \$4 of the \$8 fee for a restricted driving
 20 permit; and

21 (E) \$4 of the \$8 fee for a monitoring device
 22 driving permit.

23 2. \$30 of the \$250 fee for reinstatement of a license
 24 summarily suspended under Section 11-501.1 shall be
 25 deposited into the Drunk and Drugged Driving Prevention
 26 Fund. However, for a person whose license or privilege to

1 operate a motor vehicle in this State has been suspended or
2 revoked for a second or subsequent time for a violation of
3 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
4 the Criminal Code of 1961 or the Criminal Code of 2012,
5 \$190 of the \$500 fee for reinstatement of a license
6 summarily suspended under Section 11-501.1, and \$190 of the
7 \$500 fee for reinstatement of a revoked license shall be
8 deposited into the Drunk and Drugged Driving Prevention
9 Fund. \$190 of the \$500 fee for reinstatement of a license
10 summarily revoked pursuant to Section 11-501.1 shall be
11 deposited into the Drunk and Drugged Driving Prevention
12 Fund.

13 3. \$6 of the original or renewal fee for a commercial
14 driver's license and \$6 of the commercial learner's permit
15 fee when the permit is issued to any person holding a valid
16 Illinois driver's license, shall be paid into the
17 CDLIS/AAMVAnet/NMVTIS Trust Fund.

18 4. \$30 of the \$70 fee for reinstatement of a license
19 suspended under the Family Financial Responsibility Law
20 shall be paid into the Family Responsibility Fund.

21 5. The \$5 fee for each original or renewal M or L
22 endorsement shall be deposited into the Cycle Rider Safety
23 Training Fund.

24 6. \$20 of any original or renewal fee for a commercial
25 driver's license or commercial learner's permit shall be
26 paid into the Motor Carrier Safety Inspection Fund.

1 7. The following amounts shall be paid into the General
2 Revenue Fund:

3 (A) \$190 of the \$250 reinstatement fee for a
4 summary suspension under Section 11-501.1;

5 (B) \$40 of the \$70 reinstatement fee for any other
6 suspension provided in subsection (b) of this Section;
7 and

8 (C) \$440 of the \$500 reinstatement fee for a first
9 offense revocation and \$310 of the \$500 reinstatement
10 fee for a second or subsequent revocation.

11 (d) All of the proceeds of the additional fees imposed by
12 this amendatory Act of the 96th General Assembly shall be
13 deposited into the Capital Projects Fund.

14 (e) The additional fees imposed by this amendatory Act of
15 the 96th General Assembly shall become effective 90 days after
16 becoming law.

17 (f) As used in this Section, "active-duty member of the
18 United States Armed Forces" means a member of the Armed
19 Services or Reserve Forces of the United States or a member of
20 the Illinois National Guard who is called to active duty
21 pursuant to an executive order of the President of the United
22 States, an act of the Congress of the United States, or an
23 order of the Governor.

24 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
25 98-176, eff. 7-1-14; 98-177, eff. 1-1-14; revised 9-19-13.)

1 (625 ILCS 5/6-201)

2 (Text of Section before amendment by P.A. 98-176)

3 Sec. 6-201. Authority to cancel licenses and permits.

4 (a) The Secretary of State is authorized to cancel any
5 license or permit upon determining that the holder thereof:

6 1. was not entitled to the issuance thereof hereunder;

7 or

8 2. failed to give the required or correct information
9 in his application; or

10 3. failed to pay any fees, civil penalties owed to the
11 Illinois Commerce Commission, or taxes due under this Act
12 and upon reasonable notice and demand; or

13 4. committed any fraud in the making of such
14 application; or

15 5. is ineligible therefor under the provisions of
16 Section 6-103 of this Act, as amended; or

17 6. has refused or neglected to submit an alcohol, drug,
18 and intoxicating compound evaluation or to submit to
19 examination or re-examination as required under this Act;

20 or

21 7. has been convicted of violating the Cannabis Control
22 Act, the Illinois Controlled Substances Act, the
23 Methamphetamine Control and Community Protection Act, or
24 the Use of Intoxicating Compounds Act while that individual
25 was in actual physical control of a motor vehicle. For
26 purposes of this Section, any person placed on probation

1 under Section 10 of the Cannabis Control Act, Section 410
2 of the Illinois Controlled Substances Act, or Section 70 of
3 the Methamphetamine Control and Community Protection Act
4 shall not be considered convicted. Any person found guilty
5 of this offense, while in actual physical control of a
6 motor vehicle, shall have an entry made in the court record
7 by the judge that this offense did occur while the person
8 was in actual physical control of a motor vehicle and order
9 the clerk of the court to report the violation to the
10 Secretary of State as such. After the cancellation, the
11 Secretary of State shall not issue a new license or permit
12 for a period of one year after the date of cancellation.
13 However, upon application, the Secretary of State may, if
14 satisfied that the person applying will not endanger the
15 public safety, or welfare, issue a restricted driving
16 permit granting the privilege of driving a motor vehicle
17 between the petitioner's residence and petitioner's place
18 of employment or within the scope of the petitioner's
19 employment related duties, or to allow transportation for
20 the petitioner or a household member of the petitioner's
21 family for the receipt of necessary medical care, or
22 provide transportation for the petitioner to and from
23 alcohol or drug remedial or rehabilitative activity
24 recommended by a licensed service provider, or for the
25 petitioner to attend classes, as a student, in an
26 accredited educational institution. The petitioner must

1 demonstrate that no alternative means of transportation is
2 reasonably available; provided that the Secretary's
3 discretion shall be limited to cases where undue hardship,
4 as defined by the rules of the Secretary of State, would
5 result from a failure to issue such restricted driving
6 permit. In each case the Secretary of State may issue such
7 restricted driving permit for such period as he deems
8 appropriate, except that such permit shall expire within
9 one year from the date of issuance. A restricted driving
10 permit issued hereunder shall be subject to cancellation,
11 revocation and suspension by the Secretary of State in like
12 manner and for like cause as a driver's license issued
13 hereunder may be cancelled, revoked or suspended; except
14 that a conviction upon one or more offenses against laws or
15 ordinances regulating the movement of traffic shall be
16 deemed sufficient cause for the revocation, suspension or
17 cancellation of a restricted driving permit. The Secretary
18 of State may, as a condition to the issuance of a
19 restricted driving permit, require the applicant to
20 participate in a driver remedial or rehabilitative
21 program. In accordance with 49 C.F.R. 384, the Secretary of
22 State may not issue a restricted driving permit for the
23 operation of a commercial motor vehicle to a person holding
24 a CDL whose driving privileges have been revoked,
25 suspended, cancelled, or disqualified under this Code; or

26 8. failed to submit a report as required by Section

1 6-116.5 of this Code; or

2 9. has been convicted of a sex offense as defined in
3 the Sex Offender Registration Act. The driver's license
4 shall remain cancelled until the driver registers as a sex
5 offender as required by the Sex Offender Registration Act,
6 proof of the registration is furnished to the Secretary of
7 State and the sex offender provides proof of current
8 address to the Secretary; or

9 10. is ineligible for a license or permit under Section
10 6-107, 6-107.1, or 6-108 of this Code; or

11 11. refused or neglected to appear at a Driver Services
12 facility to have the license or permit corrected and a new
13 license or permit issued or to present documentation for
14 verification of identity; or

15 12. failed to submit a medical examiner's certificate
16 or medical variance as required by 49 C.F.R. 383.71 or
17 submitted a fraudulent medical examiner's certificate or
18 medical variance; or

19 13. has had his or her medical examiner's certificate,
20 medical variance, or both removed or rescinded by the
21 Federal Motor Carrier Safety Administration; or

22 14. failed to self-certify as to the type of driving in
23 which the CDL driver engages or expects to engage; or

24 15. has submitted acceptable documentation indicating
25 out-of-state residency to the Secretary of State to be
26 released from the requirement of showing proof of financial

1 responsibility in this State.

2 (b) Upon such cancellation the licensee or permittee must
3 surrender the license or permit so cancelled to the Secretary
4 of State.

5 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
6 Secretary of State shall have exclusive authority to grant,
7 issue, deny, cancel, suspend and revoke driving privileges,
8 drivers' licenses and restricted driving permits.

9 (d) The Secretary of State may adopt rules to implement
10 this Section.

11 (Source: P.A. 97-208, eff. 1-1-12; 97-229; eff. 7-28-11;
12 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-178, eff.
13 1-1-14.)

14 (Text of Section after amendment by P.A. 98-176)

15 Sec. 6-201. Authority to cancel licenses and permits.

16 (a) The Secretary of State is authorized to cancel any
17 license or permit upon determining that the holder thereof:

18 1. was not entitled to the issuance thereof hereunder;

19 or

20 2. failed to give the required or correct information
21 in his application; or

22 3. failed to pay any fees, civil penalties owed to the
23 Illinois Commerce Commission, or taxes due under this Act
24 and upon reasonable notice and demand; or

25 4. committed any fraud in the making of such

1 application; or

2 5. is ineligible therefor under the provisions of
3 Section 6-103 of this Act, as amended; or

4 6. has refused or neglected to submit an alcohol, drug,
5 and intoxicating compound evaluation or to submit to
6 examination or re-examination as required under this Act;
7 or

8 7. has been convicted of violating the Cannabis Control
9 Act, the Illinois Controlled Substances Act, the
10 Methamphetamine Control and Community Protection Act, or
11 the Use of Intoxicating Compounds Act while that individual
12 was in actual physical control of a motor vehicle. For
13 purposes of this Section, any person placed on probation
14 under Section 10 of the Cannabis Control Act, Section 410
15 of the Illinois Controlled Substances Act, or Section 70 of
16 the Methamphetamine Control and Community Protection Act
17 shall not be considered convicted. Any person found guilty
18 of this offense, while in actual physical control of a
19 motor vehicle, shall have an entry made in the court record
20 by the judge that this offense did occur while the person
21 was in actual physical control of a motor vehicle and order
22 the clerk of the court to report the violation to the
23 Secretary of State as such. After the cancellation, the
24 Secretary of State shall not issue a new license or permit
25 for a period of one year after the date of cancellation.
26 However, upon application, the Secretary of State may, if

1 satisfied that the person applying will not endanger the
2 public safety, or welfare, issue a restricted driving
3 permit granting the privilege of driving a motor vehicle
4 between the petitioner's residence and petitioner's place
5 of employment or within the scope of the petitioner's
6 employment related duties, or to allow transportation for
7 the petitioner or a household member of the petitioner's
8 family for the receipt of necessary medical care, or
9 provide transportation for the petitioner to and from
10 alcohol or drug remedial or rehabilitative activity
11 recommended by a licensed service provider, or for the
12 petitioner to attend classes, as a student, in an
13 accredited educational institution. The petitioner must
14 demonstrate that no alternative means of transportation is
15 reasonably available; provided that the Secretary's
16 discretion shall be limited to cases where undue hardship,
17 as defined by the rules of the Secretary of State, would
18 result from a failure to issue such restricted driving
19 permit. In each case the Secretary of State may issue such
20 restricted driving permit for such period as he deems
21 appropriate, except that such permit shall expire within
22 one year from the date of issuance. A restricted driving
23 permit issued hereunder shall be subject to cancellation,
24 revocation and suspension by the Secretary of State in like
25 manner and for like cause as a driver's license issued
26 hereunder may be cancelled, revoked or suspended; except

1 that a conviction upon one or more offenses against laws or
2 ordinances regulating the movement of traffic shall be
3 deemed sufficient cause for the revocation, suspension or
4 cancellation of a restricted driving permit. The Secretary
5 of State may, as a condition to the issuance of a
6 restricted driving permit, require the applicant to
7 participate in a driver remedial or rehabilitative
8 program. In accordance with 49 C.F.R. 384, the Secretary of
9 State may not issue a restricted driving permit for the
10 operation of a commercial motor vehicle to a person holding
11 a CDL whose driving privileges have been revoked,
12 suspended, cancelled, or disqualified under this Code; or

13 8. failed to submit a report as required by Section
14 6-116.5 of this Code; or

15 9. has been convicted of a sex offense as defined in
16 the Sex Offender Registration Act. The driver's license
17 shall remain cancelled until the driver registers as a sex
18 offender as required by the Sex Offender Registration Act,
19 proof of the registration is furnished to the Secretary of
20 State and the sex offender provides proof of current
21 address to the Secretary; or

22 10. is ineligible for a license or permit under Section
23 6-107, 6-107.1, or 6-108 of this Code; or

24 11. refused or neglected to appear at a Driver Services
25 facility to have the license or permit corrected and a new
26 license or permit issued or to present documentation for

1 verification of identity; or

2 12. failed to submit a medical examiner's certificate
3 or medical variance as required by 49 C.F.R. 383.71 or
4 submitted a fraudulent medical examiner's certificate or
5 medical variance; or

6 13. has had his or her medical examiner's certificate,
7 medical variance, or both removed or rescinded by the
8 Federal Motor Carrier Safety Administration; or

9 14. failed to self-certify as to the type of driving in
10 which the CDL driver engages or expects to engage; or

11 15. has submitted acceptable documentation indicating
12 out-of-state residency to the Secretary of State to be
13 released from the requirement of showing proof of financial
14 responsibility in this State; or.

15 16. ~~15.~~ was convicted of fraud relating to the testing
16 or issuance of a CDL or CLP, in which case only the CDL or
17 CLP shall be cancelled. After cancellation, the Secretary
18 shall not issue a CLP or CDL for a period of one year from
19 the date of cancellation.

20 (b) Upon such cancellation the licensee or permittee must
21 surrender the license or permit so cancelled to the Secretary
22 of State.

23 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
24 Secretary of State shall have exclusive authority to grant,
25 issue, deny, cancel, suspend and revoke driving privileges,
26 drivers' licenses and restricted driving permits.

1 (d) The Secretary of State may adopt rules to implement
2 this Section.

3 (Source: P.A. 97-208, eff. 1-1-12; 97-229, eff. 7-28-11;
4 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-176, eff.
5 7-1-14; 98-178, eff. 1-1-14; revised 9-19-13.)

6 (625 ILCS 5/6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without preliminary
11 hearing upon a showing of the person's records or other
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

16 2. Has been convicted of not less than 3 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 12 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in motor
22 vehicle collisions or has been repeatedly convicted of
23 offenses against laws and ordinances regulating the
24 movement of traffic, to a degree that indicates lack of
25 ability to exercise ordinary and reasonable care in the

1 safe operation of a motor vehicle or disrespect for the
2 traffic laws and the safety of other persons upon the
3 highway;

4 4. Has by the unlawful operation of a motor vehicle
5 caused or contributed to an accident resulting in injury
6 requiring immediate professional treatment in a medical
7 facility or doctor's office to any person, except that any
8 suspension or revocation imposed by the Secretary of State
9 under the provisions of this subsection shall start no
10 later than 6 months after being convicted of violating a
11 law or ordinance regulating the movement of traffic, which
12 violation is related to the accident, or shall start not
13 more than one year after the date of the accident,
14 whichever date occurs later;

15 5. Has permitted an unlawful or fraudulent use of a
16 driver's license, identification card, or permit;

17 6. Has been lawfully convicted of an offense or
18 offenses in another state, including the authorization
19 contained in Section 6-203.1, which if committed within
20 this State would be grounds for suspension or revocation;

21 7. Has refused or failed to submit to an examination
22 provided for by Section 6-207 or has failed to pass the
23 examination;

24 8. Is ineligible for a driver's license or permit under
25 the provisions of Section 6-103;

26 9. Has made a false statement or knowingly concealed a

1 material fact or has used false information or
2 identification in any application for a license,
3 identification card, or permit;

4 10. Has possessed, displayed, or attempted to
5 fraudulently use any license, identification card, or
6 permit not issued to the person;

7 11. Has operated a motor vehicle upon a highway of this
8 State when the person's driving privilege or privilege to
9 obtain a driver's license or permit was revoked or
10 suspended unless the operation was authorized by a
11 monitoring device driving permit, judicial driving permit
12 issued prior to January 1, 2009, probationary license to
13 drive, or a restricted driving permit issued under this
14 Code;

15 12. Has submitted to any portion of the application
16 process for another person or has obtained the services of
17 another person to submit to any portion of the application
18 process for the purpose of obtaining a license,
19 identification card, or permit for some other person;

20 13. Has operated a motor vehicle upon a highway of this
21 State when the person's driver's license or permit was
22 invalid under the provisions of Sections 6-107.1 and 6-110;

23 14. Has committed a violation of Section 6-301,
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
25 of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 relating
2 to criminal trespass to vehicles in which case, the
3 suspension shall be for one year;

4 16. Has been convicted of violating Section 11-204 of
5 this Code relating to fleeing from a peace officer;

6 17. Has refused to submit to a test, or tests, as
7 required under Section 11-501.1 of this Code and the person
8 has not sought a hearing as provided for in Section
9 11-501.1;

10 18. Has, since issuance of a driver's license or
11 permit, been adjudged to be afflicted with or suffering
12 from any mental disability or disease;

13 19. Has committed a violation of paragraph (a) or (b)
14 of Section 6-101 relating to driving without a driver's
15 license;

16 20. Has been convicted of violating Section 6-104
17 relating to classification of driver's license;

18 21. Has been convicted of violating Section 11-402 of
19 this Code relating to leaving the scene of an accident
20 resulting in damage to a vehicle in excess of \$1,000, in
21 which case the suspension shall be for one year;

22 22. Has used a motor vehicle in violating paragraph
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
24 the Criminal Code of 1961 or the Criminal Code of 2012
25 relating to unlawful use of weapons, in which case the
26 suspension shall be for one year;

1 23. Has, as a driver, been convicted of committing a
2 violation of paragraph (a) of Section 11-502 of this Code
3 for a second or subsequent time within one year of a
4 similar violation;

5 24. Has been convicted by a court-martial or punished
6 by non-judicial punishment by military authorities of the
7 United States at a military installation in Illinois of or
8 for a traffic related offense that is the same as or
9 similar to an offense specified under Section 6-205 or
10 6-206 of this Code;

11 25. Has permitted any form of identification to be used
12 by another in the application process in order to obtain or
13 attempt to obtain a license, identification card, or
14 permit;

15 26. Has altered or attempted to alter a license or has
16 possessed an altered license, identification card, or
17 permit;

18 27. Has violated Section 6-16 of the Liquor Control Act
19 of 1934;

20 28. Has been convicted for a first time of the illegal
21 possession, while operating or in actual physical control,
22 as a driver, of a motor vehicle, of any controlled
23 substance prohibited under the Illinois Controlled
24 Substances Act, any cannabis prohibited under the Cannabis
25 Control Act, or any methamphetamine prohibited under the
26 Methamphetamine Control and Community Protection Act, in

1 which case the person's driving privileges shall be
2 suspended for one year. Any defendant found guilty of this
3 offense while operating a motor vehicle, shall have an
4 entry made in the court record by the presiding judge that
5 this offense did occur while the defendant was operating a
6 motor vehicle and order the clerk of the court to report
7 the violation to the Secretary of State;

8 29. Has been convicted of the following offenses that
9 were committed while the person was operating or in actual
10 physical control, as a driver, of a motor vehicle: criminal
11 sexual assault, predatory criminal sexual assault of a
12 child, aggravated criminal sexual assault, criminal sexual
13 abuse, aggravated criminal sexual abuse, juvenile pimping,
14 soliciting for a juvenile prostitute, promoting juvenile
15 prostitution as described in subdivision (a)(1), (a)(2),
16 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
17 or the Criminal Code of 2012, and the manufacture, sale or
18 delivery of controlled substances or instruments used for
19 illegal drug use or abuse in which case the driver's
20 driving privileges shall be suspended for one year;

21 30. Has been convicted a second or subsequent time for
22 any combination of the offenses named in paragraph 29 of
23 this subsection, in which case the person's driving
24 privileges shall be suspended for 5 years;

25 31. Has refused to submit to a test as required by
26 Section 11-501.6 of this Code or Section 5-16c of the Boat

1 Registration and Safety Act or has submitted to a test
2 resulting in an alcohol concentration of 0.08 or more or
3 any amount of a drug, substance, or compound resulting from
4 the unlawful use or consumption of cannabis as listed in
5 the Cannabis Control Act, a controlled substance as listed
6 in the Illinois Controlled Substances Act, an intoxicating
7 compound as listed in the Use of Intoxicating Compounds
8 Act, or methamphetamine as listed in the Methamphetamine
9 Control and Community Protection Act, in which case the
10 penalty shall be as prescribed in Section 6-208.1;

11 32. Has been convicted of Section 24-1.2 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 relating
13 to the aggravated discharge of a firearm if the offender
14 was located in a motor vehicle at the time the firearm was
15 discharged, in which case the suspension shall be for 3
16 years;

17 33. Has as a driver, who was less than 21 years of age
18 on the date of the offense, been convicted a first time of
19 a violation of paragraph (a) of Section 11-502 of this Code
20 or a similar provision of a local ordinance;

21 34. Has committed a violation of Section 11-1301.5 of
22 this Code or a similar provision of a local ordinance;

23 35. Has committed a violation of Section 11-1301.6 of
24 this Code or a similar provision of a local ordinance;

25 36. Is under the age of 21 years at the time of arrest
26 and has been convicted of not less than 2 offenses against

1 traffic regulations governing the movement of vehicles
2 committed within any 24 month period. No revocation or
3 suspension shall be entered more than 6 months after the
4 date of last conviction;

5 37. Has committed a violation of subsection (c) of
6 Section 11-907 of this Code that resulted in damage to the
7 property of another or the death or injury of another;

8 38. Has been convicted of a violation of Section 6-20
9 of the Liquor Control Act of 1934 or a similar provision of
10 a local ordinance;

11 39. Has committed a second or subsequent violation of
12 Section 11-1201 of this Code;

13 40. Has committed a violation of subsection (a-1) of
14 Section 11-908 of this Code;

15 41. Has committed a second or subsequent violation of
16 Section 11-605.1 of this Code, a similar provision of a
17 local ordinance, or a similar violation in any other state
18 within 2 years of the date of the previous violation, in
19 which case the suspension shall be for 90 days;

20 42. Has committed a violation of subsection (a-1) of
21 Section 11-1301.3 of this Code or a similar provision of a
22 local ordinance;

23 43. Has received a disposition of court supervision for
24 a violation of subsection (a), (d), or (e) of Section 6-20
25 of the Liquor Control Act of 1934 or a similar provision of
26 a local ordinance, in which case the suspension shall be

1 for a period of 3 months;

2 44. Is under the age of 21 years at the time of arrest
3 and has been convicted of an offense against traffic
4 regulations governing the movement of vehicles after
5 having previously had his or her driving privileges
6 suspended or revoked pursuant to subparagraph 36 of this
7 Section;

8 45. Has, in connection with or during the course of a
9 formal hearing conducted under Section 2-118 of this Code:
10 (i) committed perjury; (ii) submitted fraudulent or
11 falsified documents; (iii) submitted documents that have
12 been materially altered; or (iv) submitted, as his or her
13 own, documents that were in fact prepared or composed for
14 another person;

15 46. Has committed a violation of subsection (j) of
16 Section 3-413 of this Code; or

17 47. Has committed a violation of Section 11-502.1 of
18 this Code.

19 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
20 and 27 of this subsection, license means any driver's license,
21 any traffic ticket issued when the person's driver's license is
22 deposited in lieu of bail, a suspension notice issued by the
23 Secretary of State, a duplicate or corrected driver's license,
24 a probationary driver's license or a temporary driver's
25 license.

26 (b) If any conviction forming the basis of a suspension or

1 revocation authorized under this Section is appealed, the
2 Secretary of State may rescind or withhold the entry of the
3 order of suspension or revocation, as the case may be, provided
4 that a certified copy of a stay order of a court is filed with
5 the Secretary of State. If the conviction is affirmed on
6 appeal, the date of the conviction shall relate back to the
7 time the original judgment of conviction was entered and the 6
8 month limitation prescribed shall not apply.

9 (c) 1. Upon suspending or revoking the driver's license or
10 permit of any person as authorized in this Section, the
11 Secretary of State shall immediately notify the person in
12 writing of the revocation or suspension. The notice to be
13 deposited in the United States mail, postage prepaid, to the
14 last known address of the person.

15 2. If the Secretary of State suspends the driver's
16 license of a person under subsection 2 of paragraph (a) of
17 this Section, a person's privilege to operate a vehicle as
18 an occupation shall not be suspended, provided an affidavit
19 is properly completed, the appropriate fee received, and a
20 permit issued prior to the effective date of the
21 suspension, unless 5 offenses were committed, at least 2 of
22 which occurred while operating a commercial vehicle in
23 connection with the driver's regular occupation. All other
24 driving privileges shall be suspended by the Secretary of
25 State. Any driver prior to operating a vehicle for
26 occupational purposes only must submit the affidavit on

1 forms to be provided by the Secretary of State setting
2 forth the facts of the person's occupation. The affidavit
3 shall also state the number of offenses committed while
4 operating a vehicle in connection with the driver's regular
5 occupation. The affidavit shall be accompanied by the
6 driver's license. Upon receipt of a properly completed
7 affidavit, the Secretary of State shall issue the driver a
8 permit to operate a vehicle in connection with the driver's
9 regular occupation only. Unless the permit is issued by the
10 Secretary of State prior to the date of suspension, the
11 privilege to drive any motor vehicle shall be suspended as
12 set forth in the notice that was mailed under this Section.
13 If an affidavit is received subsequent to the effective
14 date of this suspension, a permit may be issued for the
15 remainder of the suspension period.

16 The provisions of this subparagraph shall not apply to
17 any driver required to possess a CDL for the purpose of
18 operating a commercial motor vehicle.

19 Any person who falsely states any fact in the affidavit
20 required herein shall be guilty of perjury under Section
21 6-302 and upon conviction thereof shall have all driving
22 privileges revoked without further rights.

23 3. At the conclusion of a hearing under Section 2-118
24 of this Code, the Secretary of State shall either rescind
25 or continue an order of revocation or shall substitute an
26 order of suspension; or, good cause appearing therefor,

1 rescind, continue, change, or extend the order of
2 suspension. If the Secretary of State does not rescind the
3 order, the Secretary may upon application, to relieve undue
4 hardship (as defined by the rules of the Secretary of
5 State), issue a restricted driving permit granting the
6 privilege of driving a motor vehicle between the
7 petitioner's residence and petitioner's place of
8 employment or within the scope of the petitioner's
9 employment related duties, or to allow the petitioner to
10 transport himself or herself, or a family member of the
11 petitioner's household to a medical facility, to receive
12 necessary medical care, to allow the petitioner to
13 transport himself or herself to and from alcohol or drug
14 remedial or rehabilitative activity recommended by a
15 licensed service provider, or to allow the petitioner to
16 transport himself or herself or a family member of the
17 petitioner's household to classes, as a student, at an
18 accredited educational institution, or to allow the
19 petitioner to transport children, elderly persons, or
20 disabled persons who do not hold driving privileges and are
21 living in the petitioner's household to and from daycare.
22 The petitioner must demonstrate that no alternative means
23 of transportation is reasonably available and that the
24 petitioner will not endanger the public safety or welfare.
25 Those multiple offenders identified in subdivision (b)4 of
26 Section 6-208 of this Code, however, shall not be eligible

1 for the issuance of a restricted driving permit.

2 (A) If a person's license or permit is revoked or
3 suspended due to 2 or more convictions of violating
4 Section 11-501 of this Code or a similar provision of a
5 local ordinance or a similar out-of-state offense, or
6 Section 9-3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, where the use of alcohol or
8 other drugs is recited as an element of the offense, or
9 a similar out-of-state offense, or a combination of
10 these offenses, arising out of separate occurrences,
11 that person, if issued a restricted driving permit, may
12 not operate a vehicle unless it has been equipped with
13 an ignition interlock device as defined in Section
14 1-129.1.

15 (B) If a person's license or permit is revoked or
16 suspended 2 or more times within a 10 year period due
17 to any combination of:

18 (i) a single conviction of violating Section
19 11-501 of this Code or a similar provision of a
20 local ordinance or a similar out-of-state offense
21 or Section 9-3 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, where the use of alcohol or
23 other drugs is recited as an element of the
24 offense, or a similar out-of-state offense; or

25 (ii) a statutory summary suspension or
26 revocation under Section 11-501.1; or

1 (iii) a suspension under Section 6-203.1;
2 arising out of separate occurrences; that person, if
3 issued a restricted driving permit, may not operate a
4 vehicle unless it has been equipped with an ignition
5 interlock device as defined in Section 1-129.1.

6 (C) The person issued a permit conditioned upon the
7 use of an ignition interlock device must pay to the
8 Secretary of State DUI Administration Fund an amount
9 not to exceed \$30 per month. The Secretary shall
10 establish by rule the amount and the procedures, terms,
11 and conditions relating to these fees.

12 (D) If the restricted driving permit is issued for
13 employment purposes, then the prohibition against
14 operating a motor vehicle that is not equipped with an
15 ignition interlock device does not apply to the
16 operation of an occupational vehicle owned or leased by
17 that person's employer when used solely for employment
18 purposes.

19 (E) In each case the Secretary may issue a
20 restricted driving permit for a period deemed
21 appropriate, except that all permits shall expire
22 within one year from the date of issuance. The
23 Secretary may not, however, issue a restricted driving
24 permit to any person whose current revocation is the
25 result of a second or subsequent conviction for a
26 violation of Section 11-501 of this Code or a similar

1 provision of a local ordinance or any similar
2 out-of-state offense, or Section 9-3 of the Criminal
3 Code of 1961 or the Criminal Code of 2012, where the
4 use of alcohol or other drugs is recited as an element
5 of the offense, or any similar out-of-state offense, or
6 any combination of those offenses, until the
7 expiration of at least one year from the date of the
8 revocation. A restricted driving permit issued under
9 this Section shall be subject to cancellation,
10 revocation, and suspension by the Secretary of State in
11 like manner and for like cause as a driver's license
12 issued under this Code may be cancelled, revoked, or
13 suspended; except that a conviction upon one or more
14 offenses against laws or ordinances regulating the
15 movement of traffic shall be deemed sufficient cause
16 for the revocation, suspension, or cancellation of a
17 restricted driving permit. The Secretary of State may,
18 as a condition to the issuance of a restricted driving
19 permit, require the applicant to participate in a
20 designated driver remedial or rehabilitative program.
21 The Secretary of State is authorized to cancel a
22 restricted driving permit if the permit holder does not
23 successfully complete the program.

24 (c-3) In the case of a suspension under paragraph 43 of
25 subsection (a), reports received by the Secretary of State
26 under this Section shall, except during the actual time the

1 suspension is in effect, be privileged information and for use
2 only by the courts, police officers, prosecuting authorities,
3 the driver licensing administrator of any other state, the
4 Secretary of State, or the parent or legal guardian of a driver
5 under the age of 18. However, beginning January 1, 2008, if the
6 person is a CDL holder, the suspension shall also be made
7 available to the driver licensing administrator of any other
8 state, the U.S. Department of Transportation, and the affected
9 driver or motor carrier or prospective motor carrier upon
10 request.

11 (c-4) In the case of a suspension under paragraph 43 of
12 subsection (a), the Secretary of State shall notify the person
13 by mail that his or her driving privileges and driver's license
14 will be suspended one month after the date of the mailing of
15 the notice.

16 (c-5) The Secretary of State may, as a condition of the
17 reissuance of a driver's license or permit to an applicant
18 whose driver's license or permit has been suspended before he
19 or she reached the age of 21 years pursuant to any of the
20 provisions of this Section, require the applicant to
21 participate in a driver remedial education course and be
22 retested under Section 6-109 of this Code.

23 (d) This Section is subject to the provisions of the
24 Drivers License Compact.

25 (e) The Secretary of State shall not issue a restricted
26 driving permit to a person under the age of 16 years whose

1 driving privileges have been suspended or revoked under any
2 provisions of this Code.

3 (f) In accordance with 49 C.F.R. 384, the Secretary of
4 State may not issue a restricted driving permit for the
5 operation of a commercial motor vehicle to a person holding a
6 CDL whose driving privileges have been suspended, revoked,
7 cancelled, or disqualified under any provisions of this Code.

8 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
9 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
10 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
11 1-1-14; 98-122, eff. 1-1-14; revised 9-19-13.)

12 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

13 Sec. 6-303. Driving while driver's license, permit or
14 privilege to operate a motor vehicle is suspended or revoked.

15 (a) Except as otherwise provided in subsection (a-5), any
16 person who drives or is in actual physical control of a motor
17 vehicle on any highway of this State at a time when such
18 person's driver's license, permit or privilege to do so or the
19 privilege to obtain a driver's license or permit is revoked or
20 suspended as provided by this Code or the law of another state,
21 except as may be specifically allowed by a judicial driving
22 permit issued prior to January 1, 2009, monitoring device
23 driving permit, family financial responsibility driving
24 permit, probationary license to drive, or a restricted driving
25 permit issued pursuant to this Code or under the law of another

1 state, shall be guilty of a Class A misdemeanor.

2 (a-3) A second or subsequent violation of subsection (a) of
3 this Section is a Class 4 felony if committed by a person whose
4 driving or operation of a motor vehicle is the proximate cause
5 of a motor vehicle accident that causes personal injury or
6 death to another. For purposes of this subsection, a personal
7 injury includes any Type A injury as indicated on the traffic
8 accident report completed by a law enforcement officer that
9 requires immediate professional attention in either a doctor's
10 office or a medical facility. A Type A injury includes severe
11 bleeding wounds, distorted extremities, and injuries that
12 require the injured party to be carried from the scene.

13 (a-5) Any person who violates this Section as provided in
14 subsection (a) while his or her driver's license, permit or
15 privilege is revoked because of a violation of Section 9-3 of
16 the Criminal Code of 1961 or the Criminal Code of 2012,
17 relating to the offense of reckless homicide or a similar
18 provision of a law of another state, is guilty of a Class 4
19 felony. The person shall be required to undergo a professional
20 evaluation, as provided in Section 11-501 of this Code, to
21 determine if an alcohol, drug, or intoxicating compound problem
22 exists and the extent of the problem, and to undergo the
23 imposition of treatment as appropriate.

24 (a-10) A person's driver's license, permit, or privilege to
25 obtain a driver's license or permit may be subject to multiple
26 revocations, multiple suspensions, or any combination of both

1 simultaneously. No revocation or suspension shall serve to
2 negate, invalidate, cancel, postpone, or in any way lessen the
3 effect of any other revocation or suspension entered prior or
4 subsequent to any other revocation or suspension.

5 (b) (Blank).

6 (b-1) Upon receiving a report of the conviction of any
7 violation indicating a person was operating a motor vehicle
8 during the time when the person's driver's license, permit or
9 privilege was suspended by the Secretary of State or the
10 driver's licensing administrator of another state, except as
11 specifically allowed by a probationary license, judicial
12 driving permit, restricted driving permit or monitoring device
13 driving permit the Secretary shall extend the suspension for
14 the same period of time as the originally imposed suspension
15 unless the suspension has already expired, in which case the
16 Secretary shall be authorized to suspend the person's driving
17 privileges for the same period of time as the originally
18 imposed suspension.

19 (b-2) Except as provided in subsection (b-6), upon
20 receiving a report of the conviction of any violation
21 indicating a person was operating a motor vehicle when the
22 person's driver's license, permit or privilege was revoked by
23 the Secretary of State or the driver's license administrator of
24 any other state, except as specifically allowed by a restricted
25 driving permit issued pursuant to this Code or the law of
26 another state, the Secretary shall not issue a driver's license

1 for an additional period of one year from the date of such
2 conviction indicating such person was operating a vehicle
3 during such period of revocation.

4 (b-3) (Blank).

5 (b-4) When the Secretary of State receives a report of a
6 conviction of any violation indicating a person was operating a
7 motor vehicle that was not equipped with an ignition interlock
8 device during a time when the person was prohibited from
9 operating a motor vehicle not equipped with such a device, the
10 Secretary shall not issue a driver's license to that person for
11 an additional period of one year from the date of the
12 conviction.

13 (b-5) Any person convicted of violating this Section shall
14 serve a minimum term of imprisonment of 30 consecutive days or
15 300 hours of community service when the person's driving
16 privilege was revoked or suspended as a result of a violation
17 of Section 9-3 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, relating to the offense of reckless homicide, or
19 a similar provision of a law of another state.

20 (b-6) Upon receiving a report of a first conviction of
21 operating a motor vehicle while the person's driver's license,
22 permit or privilege was revoked where the revocation was for a
23 violation of Section 9-3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 relating to the offense of reckless
25 homicide or a similar out-of-state offense, the Secretary shall
26 not issue a driver's license for an additional period of three

1 years from the date of such conviction.

2 (c) Except as provided in subsections (c-3) and (c-4), any
3 person convicted of violating this Section shall serve a
4 minimum term of imprisonment of 10 consecutive days or 30 days
5 of community service when the person's driving privilege was
6 revoked or suspended as a result of:

7 (1) a violation of Section 11-501 of this Code or a
8 similar provision of a local ordinance relating to the
9 offense of operating or being in physical control of a
10 vehicle while under the influence of alcohol, any other
11 drug or any combination thereof; or

12 (2) a violation of paragraph (b) of Section 11-401 of
13 this Code or a similar provision of a local ordinance
14 relating to the offense of leaving the scene of a motor
15 vehicle accident involving personal injury or death; or

16 (3) a statutory summary suspension or revocation under
17 Section 11-501.1 of this Code.

18 Such sentence of imprisonment or community service shall
19 not be subject to suspension in order to reduce such sentence.

20 (c-1) Except as provided in subsections (c-5) and (d), any
21 person convicted of a second violation of this Section shall be
22 ordered by the court to serve a minimum of 100 hours of
23 community service.

24 (c-2) In addition to other penalties imposed under this
25 Section, the court may impose on any person convicted a fourth
26 time of violating this Section any of the following:

1 (1) Seizure of the license plates of the person's
2 vehicle.

3 (2) Immobilization of the person's vehicle for a period
4 of time to be determined by the court.

5 (c-3) Any person convicted of a violation of this Section
6 during a period of summary suspension imposed pursuant to
7 Section 11-501.1 when the person was eligible for a MDDP shall
8 be guilty of a Class 4 felony and shall serve a minimum term of
9 imprisonment of 30 days.

10 (c-4) Any person who has been issued a MDDP and who is
11 convicted of a violation of this Section as a result of
12 operating or being in actual physical control of a motor
13 vehicle not equipped with an ignition interlock device at the
14 time of the offense shall be guilty of a Class 4 felony and
15 shall serve a minimum term of imprisonment of 30 days.

16 (c-5) Any person convicted of a second violation of this
17 Section is guilty of a Class 2 felony, is not eligible for
18 probation or conditional discharge, and shall serve a mandatory
19 term of imprisonment, if:

20 (1) the current violation occurred when the person's
21 driver's license was suspended or revoked for a violation
22 of Section 9-3 of the Criminal Code of 1961 or the Criminal
23 Code of 2012, relating to the offense of reckless homicide,
24 or a similar out-of-state offense; and

25 (2) the prior conviction under this Section occurred
26 while the person's driver's license was suspended or

1 revoked for a violation of Section 9-3 of the Criminal Code
2 of 1961 or the Criminal Code of 2012 relating to the
3 offense of reckless homicide, or a similar out-of-state
4 offense, or was suspended or revoked for a violation of
5 Section 11-401 or 11-501 of this Code, a similar
6 out-of-state offense, a similar provision of a local
7 ordinance, or a statutory summary suspension or revocation
8 under Section 11-501.1 of this Code.

9 (d) Any person convicted of a second violation of this
10 Section shall be guilty of a Class 4 felony and shall serve a
11 minimum term of imprisonment of 30 days or 300 hours of
12 community service, as determined by the court, if:

13 (1) the current violation occurred when the person's
14 driver's license was suspended or revoked for a violation
15 of Section 11-401 or 11-501 of this Code, a similar
16 out-of-state offense, a similar provision of a local
17 ordinance, or a statutory summary suspension or revocation
18 under Section 11-501.1 of this Code; and

19 (2) the prior conviction under this Section occurred
20 while the person's driver's license was suspended or
21 revoked for a violation of Section 11-401 or 11-501 of this
22 Code, a similar out-of-state offense, a similar provision
23 of a local ordinance, or a statutory summary suspension or
24 revocation under Section 11-501.1 of this Code, or for a
25 violation of Section 9-3 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, relating to the offense of

1 reckless homicide, or a similar out-of-state offense.

2 (d-1) Except as provided in subsections (d-2), (d-2.5), and
3 (d-3), any person convicted of a third or subsequent violation
4 of this Section shall serve a minimum term of imprisonment of
5 30 days or 300 hours of community service, as determined by the
6 court.

7 (d-2) Any person convicted of a third violation of this
8 Section is guilty of a Class 4 felony and must serve a minimum
9 term of imprisonment of 30 days, if:

10 (1) the current violation occurred when the person's
11 driver's license was suspended or revoked for a violation
12 of Section 11-401 or 11-501 of this Code, or a similar
13 out-of-state offense, or a similar provision of a local
14 ordinance, or a statutory summary suspension or revocation
15 under Section 11-501.1 of this Code; and

16 (2) the prior convictions under this Section occurred
17 while the person's driver's license was suspended or
18 revoked for a violation of Section 11-401 or 11-501 of this
19 Code, a similar out-of-state offense, a similar provision
20 of a local ordinance, or a statutory summary suspension or
21 revocation under Section 11-501.1 of this Code, or for a
22 violation of Section 9-3 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, relating to the offense of
24 reckless homicide, or a similar out-of-state offense.

25 (d-2.5) Any person convicted of a third violation of this
26 Section is guilty of a Class 1 felony, is not eligible for

1 probation or conditional discharge, and must serve a mandatory
2 term of imprisonment, if:

3 (1) the current violation occurred while the person's
4 driver's license was suspended or revoked for a violation
5 of Section 9-3 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, relating to the offense of reckless homicide,
7 or a similar out-of-state offense. The person's driving
8 privileges shall be revoked for the remainder of the
9 person's life; and

10 (2) the prior convictions under this Section occurred
11 while the person's driver's license was suspended or
12 revoked for a violation of Section 9-3 of the Criminal Code
13 of 1961 or the Criminal Code of 2012, relating to the
14 offense of reckless homicide, or a similar out-of-state
15 offense, or was suspended or revoked for a violation of
16 Section 11-401 or 11-501 of this Code, a similar
17 out-of-state offense, a similar provision of a local
18 ordinance, or a statutory summary suspension or revocation
19 under Section 11-501.1 of this Code.

20 (d-3) Any person convicted of a fourth, fifth, sixth,
21 seventh, eighth, or ninth violation of this Section is guilty
22 of a Class 4 felony and must serve a minimum term of
23 imprisonment of 180 days, if:

24 (1) the current violation occurred when the person's
25 driver's license was suspended or revoked for a violation
26 of Section 11-401 or 11-501 of this Code, a similar

1 out-of-state offense, a similar provision of a local
2 ordinance, or a statutory summary suspension or revocation
3 under Section 11-501.1 of this Code; and

4 (2) the prior convictions under this Section occurred
5 while the person's driver's license was suspended or
6 revoked for a violation of Section 11-401 or 11-501 of this
7 Code, a similar out-of-state offense, a similar provision
8 of a local ordinance, or a statutory summary suspension or
9 revocation under Section 11-501.1 of this Code, or for a
10 violation of Section 9-3 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, relating to the offense of
12 reckless homicide, or a similar out-of-state offense.

13 (d-3.5) Any person convicted of a fourth or subsequent
14 violation of this Section is guilty of a Class 1 felony, is not
15 eligible for probation or conditional discharge, and must serve
16 a mandatory term of imprisonment, and is eligible for an
17 extended term, if:

18 (1) the current violation occurred when the person's
19 driver's license was suspended or revoked for a violation
20 of Section 9-3 of the Criminal Code of 1961 or the Criminal
21 Code of 2012, relating to the offense of reckless homicide,
22 or a similar out-of-state offense; and

23 (2) the prior convictions under this Section occurred
24 while the person's driver's license was suspended or
25 revoked for a violation of Section 9-3 of the Criminal Code
26 of 1961 or the Criminal Code of 2012, relating to the

1 offense of reckless homicide, or a similar out-of-state
2 offense, or was suspended or revoked for a violation of
3 Section 11-401 or 11-501 of this Code, a similar
4 out-of-state offense, a similar provision of a local
5 ordinance, or a statutory summary suspension or revocation
6 under Section 11-501.1 of this Code.

7 (d-4) Any person convicted of a tenth, eleventh, twelfth,
8 thirteenth, or fourteenth violation of this Section is guilty
9 of a Class 3 felony, and is not eligible for probation or
10 conditional discharge, if:

11 (1) the current violation occurred when the person's
12 driver's license was suspended or revoked for a violation
13 of Section 11-401 or 11-501 of this Code, or a similar
14 out-of-state offense, or a similar provision of a local
15 ordinance, or a statutory summary suspension or revocation
16 under Section 11-501.1 of this Code; and

17 (2) the prior convictions under this Section occurred
18 while the person's driver's license was suspended or
19 revoked for a violation of Section 11-401 or 11-501 of this
20 Code, a similar out-of-state offense, a similar provision
21 of a local ordinance, or a statutory suspension or
22 revocation under Section 11-501.1 of this Code, or for a
23 violation of Section 9-3 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, relating to the offense of
25 reckless homicide, or a similar out-of-state offense.

26 (d-5) Any person convicted of a fifteenth or subsequent

1 violation of this Section is guilty of a Class 2 felony, and is
2 not eligible for probation or conditional discharge, if:

3 (1) the current violation occurred when the person's
4 driver's license was suspended or revoked for a violation
5 of Section 11-401 or 11-501 of this Code, or a similar
6 out-of-state offense, or a similar provision of a local
7 ordinance, or a statutory summary suspension or revocation
8 under Section 11-501.1 of this Code; and

9 (2) the prior convictions under this Section occurred
10 while the person's driver's license was suspended or
11 revoked for a violation of Section 11-401 or 11-501 of this
12 Code, a similar out-of-state offense, a similar provision
13 of a local ordinance, or a statutory summary suspension or
14 revocation under Section 11-501.1 of this Code, or for a
15 violation of Section 9-3 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, relating to the offense of
17 reckless homicide, or a similar out-of-state offense.

18 (e) Any person in violation of this Section who is also in
19 violation of Section 7-601 of this Code relating to mandatory
20 insurance requirements, in addition to other penalties imposed
21 under this Section, shall have his or her motor vehicle
22 immediately impounded by the arresting law enforcement
23 officer. The motor vehicle may be released to any licensed
24 driver upon a showing of proof of insurance for the vehicle
25 that was impounded and the notarized written consent for the
26 release by the vehicle owner.

1 (f) For any prosecution under this Section, a certified
2 copy of the driving abstract of the defendant shall be admitted
3 as proof of any prior conviction.

4 (g) The motor vehicle used in a violation of this Section
5 is subject to seizure and forfeiture as provided in Sections
6 36-1 and 36-2 of the Criminal Code of 2012 if the person's
7 driving privilege was revoked or suspended as a result of:

8 (1) a violation of Section 11-501 of this Code, a
9 similar provision of a local ordinance, or a similar
10 provision of a law of another state;

11 (2) a violation of paragraph (b) of Section 11-401 of
12 this Code, a similar provision of a local ordinance, or a
13 similar provision of a law of another state;

14 (3) a statutory summary suspension or revocation under
15 Section 11-501.1 of this Code or a similar provision of a
16 law of another state; or

17 (4) a violation of Section 9-3 of the Criminal Code of
18 1961 or the Criminal Code of 2012 relating to the offense
19 of reckless homicide, or a similar provision of a law of
20 another state.

21 (Source: P.A. 97-984, eff. 1-1-13; 97-1150, eff. 1-25-13;
22 98-285, eff. 1-1-14; 98-418, eff. 8-16-13; 98-573, eff.
23 8-27-13; revised 9-19-13.)

24 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

25 (Text of Section before amendment by P.A. 98-176)

1 Sec. 6-508. Commercial Driver's License (CDL) -
2 qualification standards.

3 (a) Testing.

4 (1) General. No person shall be issued an original or
5 renewal CDL unless that person is domiciled in this State.
6 The Secretary shall cause to be administered such tests as
7 the Secretary deems necessary to meet the requirements of
8 49 C.F.R. Part 383, subparts F, G, H, and J.

9 (2) Third party testing. The Secretary of State ~~state~~
10 may authorize a "third party tester", pursuant to 49 C.F.R.
11 ~~Part~~ 383.75, to administer the skills test or tests
12 specified by the Federal Motor Carrier Safety
13 Administration pursuant to the Commercial Motor Vehicle
14 Safety Act of 1986 and any appropriate federal rule.

15 (b) Waiver of Skills Test. The Secretary of State may waive
16 the skills test specified in this Section for a driver
17 applicant for a commercial driver license who meets the
18 requirements of 49 C.F.R. ~~Part~~ 383.77 and ~~Part~~ 383.123. The
19 Secretary of State shall waive the skills tests specified in
20 this Section for a driver applicant who has military commercial
21 motor vehicle experience, subject to the requirements of 49
22 C.F.R. 383.77.

23 (b-1) No person shall be issued a commercial driver
24 instruction permit or CDL unless the person certifies to the
25 Secretary one of the following types of driving operations in
26 which he or she will be engaged:

- 1 (1) non-excepted interstate;
- 2 (2) non-excepted intrastate;
- 3 (3) excepted interstate; or
- 4 (4) excepted intrastate.

5 (b-2) Persons who hold a commercial driver instruction
6 permit or CDL on January 30, 2012 must certify to the Secretary
7 no later than January 30, 2014 one of the following applicable
8 self-certifications:

- 9 (1) non-excepted interstate;
- 10 (2) non-excepted intrastate;
- 11 (3) excepted interstate; or
- 12 (4) excepted intrastate.

13 (c) Limitations on issuance of a CDL. A CDL, or a
14 commercial driver instruction permit, shall not be issued to a
15 person while the person is subject to a disqualification from
16 driving a commercial motor vehicle, or unless otherwise
17 permitted by this Code, while the person's driver's license is
18 suspended, revoked or cancelled in any state, or any territory
19 or province of Canada; nor may a CDL be issued to a person who
20 has a CDL issued by any other state, or foreign jurisdiction,
21 unless the person first surrenders all such licenses. No CDL
22 shall be issued to or renewed for a person who does not meet
23 the requirement of 49 CFR 391.41(b)(11). The requirement may be
24 met with the aid of a hearing aid.

25 (c-1) The Secretary may issue a CDL with a school bus
26 driver endorsement to allow a person to drive the type of bus

1 described in subsection (d-5) of Section 6-104 of this Code.
2 The CDL with a school bus driver endorsement may be issued only
3 to a person meeting the following requirements:

4 (1) the person has submitted his or her fingerprints to
5 the Department of State Police in the form and manner
6 prescribed by the Department of State Police. These
7 fingerprints shall be checked against the fingerprint
8 records now and hereafter filed in the Department of State
9 Police and Federal Bureau of Investigation criminal
10 history records databases;

11 (2) the person has passed a written test, administered
12 by the Secretary of State, on charter bus operation,
13 charter bus safety, and certain special traffic laws
14 relating to school buses determined by the Secretary of
15 State to be relevant to charter buses, and submitted to a
16 review of the driver applicant's driving habits by the
17 Secretary of State at the time the written test is given;

18 (3) the person has demonstrated physical fitness to
19 operate school buses by submitting the results of a medical
20 examination, including tests for drug use; and

21 (4) the person has not been convicted of committing or
22 attempting to commit any one or more of the following
23 offenses: (i) those offenses defined in Sections 8-1.2,
24 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
25 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
26 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,

1 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
2 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
3 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
4 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
5 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
6 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
7 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
8 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
9 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
10 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
11 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
12 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,
13 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection
14 (b) of Section 8-1, and in subdivisions (a)(1), (a)(2),
15 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of
16 Section 12-3.05, and in subsection (a) and subsection (b),
17 clause (1), of Section 12-4, and in subsection (A), clauses
18 (a) and (b), of Section 24-3, and those offenses contained
19 in Article 29D of the Criminal Code of 1961 or the Criminal
20 Code of 2012; (ii) those offenses defined in the Cannabis
21 Control Act except those offenses defined in subsections
22 (a) and (b) of Section 4, and subsection (a) of Section 5
23 of the Cannabis Control Act; (iii) those offenses defined
24 in the Illinois Controlled Substances Act; (iv) those
25 offenses defined in the Methamphetamine Control and
26 Community Protection Act; (v) any offense committed or

1 attempted in any other state or against the laws of the
2 United States, which if committed or attempted in this
3 State would be punishable as one or more of the foregoing
4 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
5 of the Wrongs to Children Act or Section 11-9.1A of the
6 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
7 those offenses defined in Section 6-16 of the Liquor
8 Control Act of 1934; and (viii) those offenses defined in
9 the Methamphetamine Precursor Control Act.

10 The Department of State Police shall charge a fee for
11 conducting the criminal history records check, which shall be
12 deposited into the State Police Services Fund and may not
13 exceed the actual cost of the records check.

14 (c-2) The Secretary shall issue a CDL with a school bus
15 endorsement to allow a person to drive a school bus as defined
16 in this Section. The CDL shall be issued according to the
17 requirements outlined in 49 C.F.R. 383. A person may not
18 operate a school bus as defined in this Section without a
19 school bus endorsement. The Secretary of State may adopt rules
20 consistent with Federal guidelines to implement this
21 subsection (c-2).

22 (d) Commercial driver instruction permit. A commercial
23 driver instruction permit may be issued to any person holding a
24 valid Illinois driver's license if such person successfully
25 passes such tests as the Secretary determines to be necessary.
26 A commercial driver instruction permit shall not be issued to a

1 person who does not meet the requirements of 49 CFR 391.41
2 (b)(11), except for the renewal of a commercial driver
3 instruction permit for a person who possesses a commercial
4 instruction permit prior to the effective date of this
5 amendatory Act of 1999.

6 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;
7 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.
8 1-1-14; revised 9-19-13.)

9 (Text of Section after amendment by P.A. 98-176)

10 Sec. 6-508. Commercial Driver's License (CDL) -
11 qualification standards.

12 (a) Testing.

13 (1) General. No person shall be issued an original or
14 renewal CDL unless that person is domiciled in this State
15 or is applying for a non-domiciled CDL under Sections 6-509
16 and 6-510 of this Code. The Secretary shall cause to be
17 administered such tests as the Secretary deems necessary to
18 meet the requirements of 49 C.F.R. Part 383, subparts F, G,
19 H, and J.

20 (1.5) Effective July 1, 2014, no person shall be issued
21 an original CDL or an upgraded CDL that requires a skills
22 test unless that person has held a CLP, for a minimum of 14
23 calendar days, for the classification of vehicle and
24 endorsement, if any, for which the person is seeking a CDL.

25 (2) Third party testing. The Secretary of State ~~state~~

1 may authorize a "third party tester", pursuant to 49 C.F.R.
2 ~~Part~~ 383.75 and 49 C.F.R. 384.228 and 384.229, to
3 administer the skills test or tests specified by the
4 Federal Motor Carrier Safety Administration pursuant to
5 the Commercial Motor Vehicle Safety Act of 1986 and any
6 appropriate federal rule.

7 (b) Waiver of Skills Test. The Secretary of State may waive
8 the skills test specified in this Section for a driver
9 applicant for a commercial driver license who meets the
10 requirements of 49 C.F.R. ~~Part~~ 383.77. The Secretary of State
11 shall waive the skills tests specified in this Section for a
12 driver applicant who has military commercial motor vehicle
13 experience, subject to the requirements of 49 C.F.R. 383.77.

14 (b-1) No person shall be issued a CDL unless the person
15 certifies to the Secretary one of the following types of
16 driving operations in which he or she will be engaged:

- 17 (1) non-excepted interstate;
18 (2) non-excepted intrastate;
19 (3) excepted interstate; or
20 (4) excepted intrastate.

21 (b-2) (Blank).

22 (c) Limitations on issuance of a CDL. A CDL shall not be
23 issued to a person while the person is subject to a
24 disqualification from driving a commercial motor vehicle, or
25 unless otherwise permitted by this Code, while the person's
26 driver's license is suspended, revoked or cancelled in any

1 state, or any territory or province of Canada; nor may a CLP or
2 CDL be issued to a person who has a CLP or CDL issued by any
3 other state, or foreign jurisdiction, nor may a CDL be issued
4 to a person who has an Illinois CLP unless the person first
5 surrenders all of these licenses or permits. However, a person
6 may hold an Illinois CLP and an Illinois CDL providing the CLP
7 is necessary to train or practice for an endorsement or vehicle
8 classification not present on the current CDL. No CDL shall be
9 issued to or renewed for a person who does not meet the
10 requirement of 49 CFR 391.41(b) (11). The requirement may be met
11 with the aid of a hearing aid.

12 (c-1) The Secretary may issue a CDL with a school bus
13 driver endorsement to allow a person to drive the type of bus
14 described in subsection (d-5) of Section 6-104 of this Code.
15 The CDL with a school bus driver endorsement may be issued only
16 to a person meeting the following requirements:

17 (1) the person has submitted his or her fingerprints to
18 the Department of State Police in the form and manner
19 prescribed by the Department of State Police. These
20 fingerprints shall be checked against the fingerprint
21 records now and hereafter filed in the Department of State
22 Police and Federal Bureau of Investigation criminal
23 history records databases;

24 (2) the person has passed a written test, administered
25 by the Secretary of State, on charter bus operation,
26 charter bus safety, and certain special traffic laws

1 relating to school buses determined by the Secretary of
2 State to be relevant to charter buses, and submitted to a
3 review of the driver applicant's driving habits by the
4 Secretary of State at the time the written test is given;

5 (3) the person has demonstrated physical fitness to
6 operate school buses by submitting the results of a medical
7 examination, including tests for drug use; and

8 (4) the person has not been convicted of committing or
9 attempting to commit any one or more of the following
10 offenses: (i) those offenses defined in Sections 8-1.2,
11 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
12 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
13 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
14 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
15 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
16 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
17 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
18 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
19 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
20 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
21 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
22 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
23 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
24 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
25 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,
26 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection

1 (b) of Section 8-1, and in subdivisions (a)(1), (a)(2),
2 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of
3 Section 12-3.05, and in subsection (a) and subsection (b),
4 clause (1), of Section 12-4, and in subsection (A), clauses
5 (a) and (b), of Section 24-3, and those offenses contained
6 in Article 29D of the Criminal Code of 1961 or the Criminal
7 Code of 2012; (ii) those offenses defined in the Cannabis
8 Control Act except those offenses defined in subsections
9 (a) and (b) of Section 4, and subsection (a) of Section 5
10 of the Cannabis Control Act; (iii) those offenses defined
11 in the Illinois Controlled Substances Act; (iv) those
12 offenses defined in the Methamphetamine Control and
13 Community Protection Act; (v) any offense committed or
14 attempted in any other state or against the laws of the
15 United States, which if committed or attempted in this
16 State would be punishable as one or more of the foregoing
17 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
18 of the Wrongs to Children Act or Section 11-9.1A of the
19 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
20 those offenses defined in Section 6-16 of the Liquor
21 Control Act of 1934; and (viii) those offenses defined in
22 the Methamphetamine Precursor Control Act.

23 The Department of State Police shall charge a fee for
24 conducting the criminal history records check, which shall be
25 deposited into the State Police Services Fund and may not
26 exceed the actual cost of the records check.

1 (c-2) The Secretary shall issue a CDL with a school bus
2 endorsement to allow a person to drive a school bus as defined
3 in this Section. The CDL shall be issued according to the
4 requirements outlined in 49 C.F.R. 383. A person may not
5 operate a school bus as defined in this Section without a
6 school bus endorsement. The Secretary of State may adopt rules
7 consistent with Federal guidelines to implement this
8 subsection (c-2).

9 (d) (Blank).

10 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;
11 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.
12 1-1-14; 98-176, eff. 7-1-14; revised 9-19-13.)

13 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

14 (Text of Section before amendment by P.A. 98-176)

15 Sec. 6-514. Commercial Driver's License (CDL) -
16 Disqualifications.

17 (a) A person shall be disqualified from driving a
18 commercial motor vehicle for a period of not less than 12
19 months for the first violation of:

20 (1) Refusing to submit to or failure to complete a test
21 or tests authorized under Section 11-501.1 while driving a
22 commercial motor vehicle or, if the driver is a CDL holder,
23 while driving a non-CMV; or

24 (2) Operating a commercial motor vehicle while the
25 alcohol concentration of the person's blood, breath or

1 urine is at least 0.04, or any amount of a drug, substance,
2 or compound in the person's blood or urine resulting from
3 the unlawful use or consumption of cannabis listed in the
4 Cannabis Control Act, a controlled substance listed in the
5 Illinois Controlled Substances Act, or methamphetamine as
6 listed in the Methamphetamine Control and Community
7 Protection Act as indicated by a police officer's sworn
8 report or other verified evidence; or operating a
9 non-commercial motor vehicle while the alcohol
10 concentration of the person's blood, breath, or urine was
11 above the legal limit defined in Section 11-501.1 or
12 11-501.8 or any amount of a drug, substance, or compound in
13 the person's blood or urine resulting from the unlawful use
14 or consumption of cannabis listed in the Cannabis Control
15 Act, a controlled substance listed in the Illinois
16 Controlled Substances Act, or methamphetamine as listed in
17 the Methamphetamine Control and Community Protection Act
18 as indicated by a police officer's sworn report or other
19 verified evidence while holding a commercial driver's
20 license; or

21 (3) Conviction for a first violation of:

22 (i) Driving a commercial motor vehicle or, if the
23 driver is a CDL holder, driving a non-CMV while under
24 the influence of alcohol, or any other drug, or
25 combination of drugs to a degree which renders such
26 person incapable of safely driving; or

1 (ii) Knowingly leaving the scene of an accident
2 while operating a commercial motor vehicle or, if the
3 driver is a CDL holder, while driving a non-CMV; or

4 (iii) Driving a commercial motor vehicle or, if the
5 driver is a CDL holder, driving a non-CMV while
6 committing any felony; or

7 (iv) Driving a commercial motor vehicle while the
8 person's driving privileges or driver's license or
9 permit is revoked, suspended, or cancelled or the
10 driver is disqualified from operating a commercial
11 motor vehicle; or

12 (v) Causing a fatality through the negligent
13 operation of a commercial motor vehicle, including but
14 not limited to the crimes of motor vehicle
15 manslaughter, homicide by a motor vehicle, and
16 negligent homicide.

17 As used in this subdivision (a)(3)(v), "motor
18 vehicle manslaughter" means the offense of involuntary
19 manslaughter if committed by means of a vehicle;
20 "homicide by a motor vehicle" means the offense of
21 first degree murder or second degree murder, if either
22 offense is committed by means of a vehicle; and
23 "negligent homicide" means reckless homicide under
24 Section 9-3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 and aggravated driving under the
26 influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds, or any combination
2 thereof under subdivision (d)(1)(F) of Section 11-501
3 of this Code.

4 If any of the above violations or refusals occurred
5 while transporting hazardous material(s) required to be
6 placarded, the person shall be disqualified for a period of
7 not less than 3 years; or

8 (4) If the person is a qualifying patient licensed
9 under the Compassionate Use of Medical Cannabis Pilot
10 Program Act who is in possession of a valid registry card
11 issued under that Act, operating a commercial motor vehicle
12 under impairment resulting from the consumption of
13 cannabis, as determined by failure of standardized field
14 sobriety tests administered by a law enforcement officer as
15 directed by subsection (a-5) of Section 11-501.2.

16 (b) A person is disqualified for life for a second
17 conviction of any of the offenses specified in paragraph (a),
18 or any combination of those offenses, arising from 2 or more
19 separate incidents.

20 (c) A person is disqualified from driving a commercial
21 motor vehicle for life if the person either (i) uses a
22 commercial motor vehicle in the commission of any felony
23 involving the manufacture, distribution, or dispensing of a
24 controlled substance, or possession with intent to
25 manufacture, distribute or dispense a controlled substance or
26 (ii) if the person is a CDL holder, uses a non-CMV in the

1 commission of a felony involving any of those activities.

2 (d) The Secretary of State may, when the United States
3 Secretary of Transportation so authorizes, issue regulations
4 in which a disqualification for life under paragraph (b) may be
5 reduced to a period of not less than 10 years. If a reinstated
6 driver is subsequently convicted of another disqualifying
7 offense, as specified in subsection (a) of this Section, he or
8 she shall be permanently disqualified for life and shall be
9 ineligible to again apply for a reduction of the lifetime
10 disqualification.

11 (e) A person is disqualified from driving a commercial
12 motor vehicle for a period of not less than 2 months if
13 convicted of 2 serious traffic violations, committed in a
14 commercial motor vehicle, non-CMV while holding a CDL, or any
15 combination thereof, arising from separate incidents,
16 occurring within a 3 year period, provided the serious traffic
17 violation committed in a non-CMV would result in the suspension
18 or revocation of the CDL holder's non-CMV privileges. However,
19 a person will be disqualified from driving a commercial motor
20 vehicle for a period of not less than 4 months if convicted of
21 3 serious traffic violations, committed in a commercial motor
22 vehicle, non-CMV while holding a CDL, or any combination
23 thereof, arising from separate incidents, occurring within a 3
24 year period, provided the serious traffic violation committed
25 in a non-CMV would result in the suspension or revocation of
26 the CDL holder's non-CMV privileges. If all the convictions

1 occurred in a non-CMV, the disqualification shall be entered
2 only if the convictions would result in the suspension or
3 revocation of the CDL holder's non-CMV privileges.

4 (e-1) (Blank).

5 (f) Notwithstanding any other provision of this Code, any
6 driver disqualified from operating a commercial motor vehicle,
7 pursuant to this UCDLA, shall not be eligible for restoration
8 of commercial driving privileges during any such period of
9 disqualification.

10 (g) After suspending, revoking, or cancelling a commercial
11 driver's license, the Secretary of State must update the
12 driver's records to reflect such action within 10 days. After
13 suspending or revoking the driving privilege of any person who
14 has been issued a CDL or commercial driver instruction permit
15 from another jurisdiction, the Secretary shall originate
16 notification to such issuing jurisdiction within 10 days.

17 (h) The "disqualifications" referred to in this Section
18 shall not be imposed upon any commercial motor vehicle driver,
19 by the Secretary of State, unless the prohibited action(s)
20 occurred after March 31, 1992.

21 (i) A person is disqualified from driving a commercial
22 motor vehicle in accordance with the following:

23 (1) For 6 months upon a first conviction of paragraph
24 (2) of subsection (b) or subsection (b-3) of Section 6-507
25 of this Code.

26 (2) For 2 years upon a second conviction of paragraph

1 (2) of subsection (b) or subsection (b-3) or any
2 combination of paragraphs (2) or (3) of subsection (b) or
3 subsections (b-3) or (b-5) of Section 6-507 of this Code
4 within a 10-year period if the second conviction is a
5 violation of paragraph (2) of subsection (b) or subsection
6 (b-3).

7 (3) For 3 years upon a third or subsequent conviction
8 of paragraph (2) of subsection (b) or subsection (b-3) or
9 any combination of paragraphs (2) or (3) of subsection (b)
10 or subsections (b-3) or (b-5) of Section 6-507 of this Code
11 within a 10-year period if the third or subsequent
12 conviction is a violation of paragraph (2) of subsection
13 (b) or subsection (b-3).

14 (4) For one year upon a first conviction of paragraph
15 (3) of subsection (b) or subsection (b-5) of Section 6-507
16 of this Code.

17 (5) For 3 years upon a second conviction of paragraph
18 (3) of subsection (b) or subsection (b-5) 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 (3) of subsection (b) or (b-5).

23 (6) For 5 years upon a third or subsequent conviction
24 of paragraph (3) of subsection (b) or subsection (b-5) or
25 any combination of paragraphs (2) or (3) of subsection (b)
26 or subsections (b-3) or (b-5) of Section 6-507 of this Code

1 within a 10-year period if the third or subsequent
2 conviction is a violation of paragraph (3) of subsection
3 (b) or (b-5).

4 (j) Disqualification for railroad-highway grade crossing
5 violation.

6 (1) General rule. A driver who is convicted of a
7 violation of a federal, State, or local law or regulation
8 pertaining to one of the following 6 offenses at a
9 railroad-highway grade crossing must be disqualified from
10 operating a commercial motor vehicle for the period of time
11 specified in paragraph (2) of this subsection (j) if the
12 offense was committed while operating a commercial motor
13 vehicle:

14 (i) For drivers who are not required to always
15 stop, failing to slow down and check that the tracks
16 are clear of an approaching train or railroad track
17 equipment, as described in subsection (a-5) of Section
18 11-1201 of this Code;

19 (ii) For drivers who are not required to always
20 stop, failing to stop before reaching the crossing, if
21 the tracks are not clear, as described in subsection
22 (a) of Section 11-1201 of this Code;

23 (iii) For drivers who are always required to stop,
24 failing to stop before driving onto the crossing, as
25 described in Section 11-1202 of this Code;

26 (iv) For all drivers, failing to have sufficient

1 space to drive completely through the crossing without
2 stopping, as described in subsection (b) of Section
3 11-1425 of this Code;

4 (v) For all drivers, failing to obey a traffic
5 control device or the directions of an enforcement
6 official at the crossing, as described in subdivision
7 (a)2 of Section 11-1201 of this Code;

8 (vi) For all drivers, failing to negotiate a
9 crossing because of insufficient undercarriage
10 clearance, as described in subsection (d-1) of Section
11 11-1201 of this Code.

12 (2) Duration of disqualification for railroad-highway
13 grade crossing violation.

14 (i) First violation. A driver must be disqualified
15 from operating a commercial motor vehicle for not less
16 than 60 days if the driver is convicted of a violation
17 described in paragraph (1) of this subsection (j) and,
18 in the three-year period preceding the conviction, the
19 driver had no convictions for a violation described in
20 paragraph (1) of this subsection (j).

21 (ii) Second violation. A driver must be
22 disqualified from operating a commercial motor vehicle
23 for not less than 120 days if the driver is convicted
24 of a violation described in paragraph (1) of this
25 subsection (j) and, in the three-year period preceding
26 the conviction, the driver had one other conviction for

1 a violation described in paragraph (1) of this
2 subsection (j) that was committed in a separate
3 incident.

4 (iii) Third or subsequent violation. A driver must
5 be disqualified from operating a commercial motor
6 vehicle for not less than one year if the driver is
7 convicted of a violation described in paragraph (1) of
8 this subsection (j) and, in the three-year period
9 preceding the conviction, the driver had 2 or more
10 other convictions for violations described in
11 paragraph (1) of this subsection (j) that were
12 committed in separate incidents.

13 (k) Upon notification of a disqualification of a driver's
14 commercial motor vehicle privileges imposed by the U.S.
15 Department of Transportation, Federal Motor Carrier Safety
16 Administration, in accordance with 49 C.F.R. 383.52, the
17 Secretary of State shall immediately record to the driving
18 record the notice of disqualification and confirm to the driver
19 the action that has been taken.

20 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
21 98-122, eff. 1-1-14.)

22 (Text of Section after amendment by P.A. 98-176)

23 Sec. 6-514. Commercial driver's license (CDL); commercial
24 learner's permit (CLP); disqualifications. ~~Commercial Driver's~~
25 ~~License (CDL) — Disqualifications.~~

1 (a) A person shall be disqualified from driving a
2 commercial motor vehicle for a period of not less than 12
3 months for the first violation of:

4 (1) Refusing to submit to or failure to complete a test
5 or tests authorized under Section 11-501.1 while driving a
6 commercial motor vehicle or, if the driver is a CLP or CDL
7 holder, while driving a non-CMV; or

8 (2) Operating a commercial motor vehicle while the
9 alcohol concentration of the person's blood, breath or
10 urine is at least 0.04, or any amount of a drug, substance,
11 or compound in the person's blood or urine resulting from
12 the unlawful use or consumption of cannabis listed in the
13 Cannabis Control Act, a controlled substance listed in the
14 Illinois Controlled Substances Act, or methamphetamine as
15 listed in the Methamphetamine Control and Community
16 Protection Act as indicated by a police officer's sworn
17 report or other verified evidence; or operating a
18 non-commercial motor vehicle while the alcohol
19 concentration of the person's blood, breath, or urine was
20 above the legal limit defined in Section 11-501.1 or
21 11-501.8 or any amount of a drug, substance, or compound in
22 the person's blood or urine resulting from the unlawful use
23 or consumption of cannabis listed in the Cannabis Control
24 Act, a controlled substance listed in the Illinois
25 Controlled Substances Act, or methamphetamine as listed in
26 the Methamphetamine Control and Community Protection Act

1 as indicated by a police officer's sworn report or other
2 verified evidence while holding a CLP or CDL; or

3 (3) Conviction for a first violation of:

4 (i) Driving a commercial motor vehicle or, if the
5 driver is a CLP or CDL holder, driving a non-CMV while
6 under the influence of alcohol, or any other drug, or
7 combination of drugs to a degree which renders such
8 person incapable of safely driving; or

9 (ii) Knowingly leaving the scene of an accident
10 while operating a commercial motor vehicle or, if the
11 driver is a CLP or CDL holder, while driving a non-CMV;
12 or

13 (iii) Driving a commercial motor vehicle or, if the
14 driver is a CLP or CDL holder, driving a non-CMV while
15 committing any felony; or

16 (iv) Driving a commercial motor vehicle while the
17 person's driving privileges or driver's license or
18 permit is revoked, suspended, or cancelled or the
19 driver is disqualified from operating a commercial
20 motor vehicle; or

21 (v) Causing a fatality through the negligent
22 operation of a commercial motor vehicle, including but
23 not limited to the crimes of motor vehicle
24 manslaughter, homicide by a motor vehicle, and
25 negligent homicide.

26 As used in this subdivision (a) (3) (v), "motor

1 vehicle manslaughter" means the offense of involuntary
2 manslaughter if committed by means of a vehicle;
3 "homicide by a motor vehicle" means the offense of
4 first degree murder or second degree murder, if either
5 offense is committed by means of a vehicle; and
6 "negligent homicide" means reckless homicide under
7 Section 9-3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 and aggravated driving under the
9 influence of alcohol, other drug or drugs,
10 intoxicating compound or compounds, or any combination
11 thereof under subdivision (d)(1)(F) of Section 11-501
12 of this Code.

13 If any of the above violations or refusals occurred
14 while transporting hazardous material(s) required to be
15 placarded, the person shall be disqualified for a period of
16 not less than 3 years; or

17 (4) If the person is a qualifying patient licensed
18 under the Compassionate Use of Medical Cannabis Pilot
19 Program Act who is in possession of a valid registry card
20 issued under that Act, operating a commercial motor vehicle
21 under impairment resulting from the consumption of
22 cannabis, as determined by failure of standardized field
23 sobriety tests administered by a law enforcement officer as
24 directed by subsection (a-5) of Section 11-501.2.

25 (b) A person is disqualified for life for a second
26 conviction of any of the offenses specified in paragraph (a),

1 or any combination of those offenses, arising from 2 or more
2 separate incidents.

3 (c) A person is disqualified from driving a commercial
4 motor vehicle for life if the person either (i) uses a
5 commercial motor vehicle in the commission of any felony
6 involving the manufacture, distribution, or dispensing of a
7 controlled substance, or possession with intent to
8 manufacture, distribute or dispense a controlled substance or
9 (ii) if the person is a CLP or CDL holder, uses a non-CMV in the
10 commission of a felony involving any of those activities.

11 (d) The Secretary of State may, when the United States
12 Secretary of Transportation so authorizes, issue regulations
13 in which a disqualification for life under paragraph (b) may be
14 reduced to a period of not less than 10 years. If a reinstated
15 driver is subsequently convicted of another disqualifying
16 offense, as specified in subsection (a) of this Section, he or
17 she shall be permanently disqualified for life and shall be
18 ineligible to again apply for a reduction of the lifetime
19 disqualification.

20 (e) A person is disqualified from driving a commercial
21 motor vehicle for a period of not less than 2 months if
22 convicted of 2 serious traffic violations, committed in a
23 commercial motor vehicle, non-CMV while holding a CLP or CDL,
24 or any combination thereof, arising from separate incidents,
25 occurring within a 3 year period, provided the serious traffic
26 violation committed in a non-CMV would result in the suspension

1 or revocation of the CLP or CDL holder's non-CMV privileges.
2 However, a person will be disqualified from driving a
3 commercial motor vehicle for a period of not less than 4 months
4 if convicted of 3 serious traffic violations, committed in a
5 commercial motor vehicle, non-CMV while holding a CLP or CDL,
6 or any combination thereof, arising from separate incidents,
7 occurring within a 3 year period, provided the serious traffic
8 violation committed in a non-CMV would result in the suspension
9 or revocation of the CLP or CDL holder's non-CMV privileges. If
10 all the convictions occurred in a non-CMV, the disqualification
11 shall be entered only if the convictions would result in the
12 suspension or revocation of the CLP or CDL holder's non-CMV
13 privileges.

14 (e-1) (Blank).

15 (f) Notwithstanding any other provision of this Code, any
16 driver disqualified from operating a commercial motor vehicle,
17 pursuant to this UCDLA, shall not be eligible for restoration
18 of commercial driving privileges during any such period of
19 disqualification.

20 (g) After suspending, revoking, or cancelling a CLP or CDL,
21 the Secretary of State must update the driver's records to
22 reflect such action within 10 days. After suspending or
23 revoking the driving privilege of any person who has been
24 issued a CLP or CDL from another jurisdiction, the Secretary
25 shall originate notification to such issuing jurisdiction
26 within 10 days.

1 (h) The "disqualifications" referred to in this Section
2 shall not be imposed upon any commercial motor vehicle driver,
3 by the Secretary of State, unless the prohibited action(s)
4 occurred after March 31, 1992.

5 (i) A person is disqualified from driving a commercial
6 motor vehicle in accordance with the following:

7 (1) For 6 months upon a first conviction of paragraph
8 (2) of subsection (b) or subsection (b-3) of Section 6-507
9 of this Code.

10 (2) For 2 years upon a second conviction of paragraph
11 (2) of subsection (b) or subsection (b-3) or any
12 combination of paragraphs (2) or (3) of subsection (b) or
13 subsections (b-3) or (b-5) of Section 6-507 of this Code
14 within a 10-year period if the second conviction is a
15 violation of paragraph (2) of subsection (b) or subsection
16 (b-3).

17 (3) For 3 years upon a third or subsequent conviction
18 of paragraph (2) of subsection (b) or subsection (b-3) or
19 any combination of paragraphs (2) or (3) of subsection (b)
20 or subsections (b-3) or (b-5) of Section 6-507 of this Code
21 within a 10-year period if the third or subsequent
22 conviction is a violation of paragraph (2) of subsection
23 (b) or subsection (b-3).

24 (4) For one year upon a first conviction of paragraph
25 (3) of subsection (b) or subsection (b-5) of Section 6-507
26 of this Code.

1 (5) For 3 years upon a second conviction of paragraph
2 (3) of subsection (b) or subsection (b-5) or any
3 combination of paragraphs (2) or (3) of subsection (b) or
4 subsections (b-3) or (b-5) of Section 6-507 of this Code
5 within a 10-year period if the second conviction is a
6 violation of paragraph (3) of subsection (b) or (b-5).

7 (6) For 5 years upon a third or subsequent conviction
8 of paragraph (3) of subsection (b) or subsection (b-5) or
9 any combination of paragraphs (2) or (3) of subsection (b)
10 or subsections (b-3) or (b-5) of Section 6-507 of this Code
11 within a 10-year period if the third or subsequent
12 conviction is a violation of paragraph (3) of subsection
13 (b) or (b-5).

14 (j) Disqualification for railroad-highway grade crossing
15 violation.

16 (1) General rule. A driver who is convicted of a
17 violation of a federal, State, or local law or regulation
18 pertaining to one of the following 6 offenses at a
19 railroad-highway grade crossing must be disqualified from
20 operating a commercial motor vehicle for the period of time
21 specified in paragraph (2) of this subsection (j) if the
22 offense was committed while operating a commercial motor
23 vehicle:

24 (i) For drivers who are not required to always
25 stop, failing to slow down and check that the tracks
26 are clear of an approaching train or railroad track

1 equipment, as described in subsection (a-5) of Section
2 11-1201 of this Code;

3 (ii) For drivers who are not required to always
4 stop, failing to stop before reaching the crossing, if
5 the tracks are not clear, as described in subsection
6 (a) of Section 11-1201 of this Code;

7 (iii) For drivers who are always required to stop,
8 failing to stop before driving onto the crossing, as
9 described in Section 11-1202 of this Code;

10 (iv) For all drivers, failing to have sufficient
11 space to drive completely through the crossing without
12 stopping, as described in subsection (b) of Section
13 11-1425 of this Code;

14 (v) For all drivers, failing to obey a traffic
15 control device or the directions of an enforcement
16 official at the crossing, as described in subdivision
17 (a)2 of Section 11-1201 of this Code;

18 (vi) For all drivers, failing to negotiate a
19 crossing because of insufficient undercarriage
20 clearance, as described in subsection (d-1) of Section
21 11-1201 of this Code.

22 (2) Duration of disqualification for railroad-highway
23 grade crossing violation.

24 (i) First violation. A driver must be disqualified
25 from operating a commercial motor vehicle for not less
26 than 60 days if the driver is convicted of a violation

1 described in paragraph (1) of this subsection (j) and,
2 in the three-year period preceding the conviction, the
3 driver had no convictions for a violation described in
4 paragraph (1) of this subsection (j).

5 (ii) Second violation. A driver must be
6 disqualified from operating a commercial motor vehicle
7 for not less than 120 days if the driver is convicted
8 of a violation described in paragraph (1) of this
9 subsection (j) and, in the three-year period preceding
10 the conviction, the driver had one other conviction for
11 a violation described in paragraph (1) of this
12 subsection (j) that was committed in a separate
13 incident.

14 (iii) Third or subsequent violation. A driver must
15 be disqualified from operating a commercial motor
16 vehicle for not less than one year if the driver is
17 convicted of a violation described in paragraph (1) of
18 this subsection (j) and, in the three-year period
19 preceding the conviction, the driver had 2 or more
20 other convictions for violations described in
21 paragraph (1) of this subsection (j) that were
22 committed in separate incidents.

23 (k) Upon notification of a disqualification of a driver's
24 commercial motor vehicle privileges imposed by the U.S.
25 Department of Transportation, Federal Motor Carrier Safety
26 Administration, in accordance with 49 C.F.R. 383.52, the

1 Secretary of State shall immediately record to the driving
2 record the notice of disqualification and confirm to the driver
3 the action that has been taken.

4 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
5 98-122, eff. 1-1-14; 98-176, eff. 7-1-14; revised 8-8-13.)

6 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

7 Sec. 11-208. Powers of local authorities.

8 (a) The provisions of this Code shall not be deemed to
9 prevent local authorities with respect to streets and highways
10 under their jurisdiction and within the reasonable exercise of
11 the police power from:

12 1. Regulating the standing or parking of vehicles,
13 except as limited by Sections 11-1306 and 11-1307 of this
14 Act;

15 2. Regulating traffic by means of police officers or
16 traffic control signals;

17 3. Regulating or prohibiting processions or
18 assemblages on the highways; and certifying persons to
19 control traffic for processions or assemblages;

20 4. Designating particular highways as one-way highways
21 and requiring that all vehicles thereon be moved in one
22 specific direction;

23 5. Regulating the speed of vehicles in public parks
24 subject to the limitations set forth in Section 11-604;

25 6. Designating any highway as a through highway, as

1 authorized in Section 11-302, and requiring that all
2 vehicles stop before entering or crossing the same or
3 designating any intersection as a stop intersection or a
4 yield right-of-way intersection and requiring all vehicles
5 to stop or yield the right-of-way at one or more entrances
6 to such intersections;

7 7. Restricting the use of highways as authorized in
8 Chapter 15;

9 8. Regulating the operation of bicycles and requiring
10 the registration and licensing of same, including the
11 requirement of a registration fee;

12 9. Regulating or prohibiting the turning of vehicles or
13 specified types of vehicles at intersections;

14 10. Altering the speed limits as authorized in Section
15 11-604;

16 11. Prohibiting U-turns;

17 12. Prohibiting pedestrian crossings at other than
18 designated and marked crosswalks or at intersections;

19 13. Prohibiting parking during snow removal operation;

20 14. Imposing fines in accordance with Section
21 11-1301.3 as penalties for use of any parking place
22 reserved for persons with disabilities, as defined by
23 Section 1-159.1, or disabled veterans by any person using a
24 motor vehicle not bearing registration plates specified in
25 Section 11-1301.1 or a special decal or device as defined
26 in Section 11-1301.2 as evidence that the vehicle is

1 operated by or for a person with disabilities or disabled
2 veteran;

3 15. Adopting such other traffic regulations as are
4 specifically authorized by this Code; or

5 16. Enforcing the provisions of subsection (f) of
6 Section 3-413 of this Code or a similar local ordinance.

7 (b) No ordinance or regulation enacted under subsections 1,
8 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
9 until signs giving reasonable notice of such local traffic
10 regulations are posted.

11 (c) The provisions of this Code shall not prevent any
12 municipality having a population of 500,000 or more inhabitants
13 from prohibiting any person from driving or operating any motor
14 vehicle upon the roadways of such municipality with headlamps
15 on high beam or bright.

16 (d) The provisions of this Code shall not be deemed to
17 prevent local authorities within the reasonable exercise of
18 their police power from prohibiting, on private property, the
19 unauthorized use of parking spaces reserved for persons with
20 disabilities.

21 (e) No unit of local government, including a home rule
22 unit, may enact or enforce an ordinance that applies only to
23 motorcycles if the principal purpose for that ordinance is to
24 restrict the access of motorcycles to any highway or portion of
25 a highway for which federal or State funds have been used for
26 the planning, design, construction, or maintenance of that

1 highway. No unit of local government, including a home rule
2 unit, may enact an ordinance requiring motorcycle users to wear
3 protective headgear. Nothing in this subsection (e) shall
4 affect the authority of a unit of local government to regulate
5 motorcycles for traffic control purposes or in accordance with
6 Section 12-602 of this Code. No unit of local government,
7 including a home rule unit, may regulate motorcycles in a
8 manner inconsistent with this Code. This subsection (e) is a
9 limitation under subsection (i) of Section 6 of Article VII of
10 the Illinois Constitution on the concurrent exercise by home
11 rule units of powers and functions exercised by the State.

12 (f) A municipality or county designated in Section 11-208.6
13 may enact an ordinance providing for an automated traffic law
14 enforcement system to enforce violations of this Code or a
15 similar provision of a local ordinance and imposing liability
16 on a registered owner or lessee of a vehicle used in such a
17 violation.

18 (g) A municipality or county, as provided in Section
19 11-1201.1, may enact an ordinance providing for an automated
20 traffic law enforcement system to enforce violations of Section
21 11-1201 of this Code or a similar provision of a local
22 ordinance and imposing liability on a registered owner of a
23 vehicle used in such a violation.

24 (h) A municipality designated in Section 11-208.8 may enact
25 an ordinance providing for an automated speed enforcement
26 system to enforce violations of Article VI of Chapter 11 of

1 this Code or a similar provision of a local ordinance.

2 (i) A municipality or county designated in Section 11-208.9
3 may enact an ordinance providing for an automated traffic law
4 enforcement system to enforce violations of Section 11-1414 of
5 this Code or a similar provision of a local ordinance and
6 imposing liability on a registered owner or lessee of a vehicle
7 used in such a violation.

8 (Source: P.A. 97-29, eff. 1-1-12; 97-672, eff. 7-1-12; 98-396,
9 eff. 1-1-14; 98-556, eff. 1-1-14; revised 9-19-13.)

10 (625 ILCS 5/11-208.7)

11 Sec. 11-208.7. Administrative fees and procedures for
12 impounding vehicles for specified violations.

13 (a) Any municipality may, consistent with this Section,
14 provide by ordinance procedures for the release of properly
15 impounded vehicles and for the imposition of a reasonable
16 administrative fee related to its administrative and
17 processing costs associated with the investigation, arrest,
18 and detention of an offender, or the removal, impoundment,
19 storage, and release of the vehicle. The administrative fee
20 imposed by the municipality may be in addition to any fees
21 charged for the towing and storage of an impounded vehicle. The
22 administrative fee shall be waived by the municipality upon
23 verifiable proof that the vehicle was stolen at the time the
24 vehicle was impounded.

25 (b) Any ordinance establishing procedures for the release

1 of properly impounded vehicles under this Section may impose
2 fees for the following violations:

3 (1) operation or use of a motor vehicle in the
4 commission of, or in the attempt to commit, an offense for
5 which a motor vehicle may be seized and forfeited pursuant
6 to Section 36-1 of the Criminal Code of 2012; or

7 (2) driving under the influence of alcohol, another
8 drug or drugs, an intoxicating compound or compounds, or
9 any combination thereof, in violation of Section 11-501 of
10 this Code; or

11 (3) operation or use of a motor vehicle in the
12 commission of, or in the attempt to commit, a felony or in
13 violation of the Cannabis Control Act; or

14 (4) operation or use of a motor vehicle in the
15 commission of, or in the attempt to commit, an offense in
16 violation of the Illinois Controlled Substances Act; or

17 (5) operation or use of a motor vehicle in the
18 commission of, or in the attempt to commit, an offense in
19 violation of Section 24-1, 24-1.5, or 24-3.1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012; or

21 (6) driving while a driver's license, permit, or
22 privilege to operate a motor vehicle is suspended or
23 revoked pursuant to Section 6-303 of this Code; except that
24 vehicles shall not be subjected to seizure or impoundment
25 if the suspension is for an unpaid citation (parking or
26 moving) or due to failure to comply with emission testing;

1 or

2 (7) operation or use of a motor vehicle while
3 soliciting, possessing, or attempting to solicit or
4 possess cannabis or a controlled substance, as defined by
5 the Cannabis Control Act or the Illinois Controlled
6 Substances Act; or

7 (8) operation or use of a motor vehicle with an expired
8 driver's license, in violation of Section 6-101 of this
9 Code, if the period of expiration is greater than one year;
10 or

11 (9) operation or use of a motor vehicle without ever
12 having been issued a driver's license or permit, in
13 violation of Section 6-101 of this Code, or operating a
14 motor vehicle without ever having been issued a driver's
15 license or permit due to a person's age; or

16 (10) operation or use of a motor vehicle by a person
17 against whom a warrant has been issued by a circuit clerk
18 in Illinois for failing to answer charges that the driver
19 violated Section 6-101, 6-303, or 11-501 of this Code; or

20 (11) operation or use of a motor vehicle in the
21 commission of, or in the attempt to commit, an offense in
22 violation of Article 16 or 16A of the Criminal Code of 1961
23 or the Criminal Code of 2012; or

24 (12) operation or use of a motor vehicle in the
25 commission of, or in the attempt to commit, any other
26 misdemeanor or felony offense in violation of the Criminal

1 Code of 1961 or the Criminal Code of 2012, when so provided
2 by local ordinance; or

3 (13) operation or use of a motor vehicle in violation
4 of Section 11-503 of this Code:

5 (A) while the vehicle is part of a funeral
6 procession; or

7 (B) in a manner that interferes with a funeral
8 procession.

9 (c) The following shall apply to any fees imposed for
10 administrative and processing costs pursuant to subsection
11 (b):

12 (1) All administrative fees and towing and storage
13 charges shall be imposed on the registered owner of the
14 motor vehicle or the agents of that owner.

15 (2) The fees shall be in addition to (i) any other
16 penalties that may be assessed by a court of law for the
17 underlying violations; and (ii) any towing or storage fees,
18 or both, charged by the towing company.

19 (3) The fees shall be uniform for all similarly
20 situated vehicles.

21 (4) The fees shall be collected by and paid to the
22 municipality imposing the fees.

23 (5) The towing or storage fees, or both, shall be
24 collected by and paid to the person, firm, or entity that
25 tows and stores the impounded vehicle.

26 (d) Any ordinance establishing procedures for the release

1 of properly impounded vehicles under this Section shall provide
2 for an opportunity for a hearing, as provided in subdivision
3 (b) (4) of Section 11-208.3 of this Code, and for the release of
4 the vehicle to the owner of record, lessee, or a lienholder of
5 record upon payment of all administrative fees and towing and
6 storage fees.

7 (e) Any ordinance establishing procedures for the
8 impoundment and release of vehicles under this Section shall
9 include the following provisions concerning notice of
10 impoundment:

11 (1) Whenever a police officer has cause to believe that
12 a motor vehicle is subject to impoundment, the officer
13 shall provide for the towing of the vehicle to a facility
14 authorized by the municipality.

15 (2) At the time the vehicle is towed, the municipality
16 shall notify or make a reasonable attempt to notify the
17 owner, lessee, or person identifying himself or herself as
18 the owner or lessee of the vehicle, or any person who is
19 found to be in control of the vehicle at the time of the
20 alleged offense, of the fact of the seizure, and of the
21 vehicle owner's or lessee's right to an administrative
22 hearing.

23 (3) The municipality shall also provide notice that the
24 motor vehicle will remain impounded pending the completion
25 of an administrative hearing, unless the owner or lessee of
26 the vehicle or a lienholder posts with the municipality a

1 bond equal to the administrative fee as provided by
2 ordinance and pays for all towing and storage charges.

3 (f) Any ordinance establishing procedures for the
4 impoundment and release of vehicles under this Section shall
5 include a provision providing that the registered owner or
6 lessee of the vehicle and any lienholder of record shall be
7 provided with a notice of hearing. The notice shall:

8 (1) be served upon the owner, lessee, and any
9 lienholder of record either by personal service or by first
10 class mail to the interested party's address as registered
11 with the Secretary of State;

12 (2) be served upon interested parties within 10 days
13 after a vehicle is impounded by the municipality; and

14 (3) contain the date, time, and location of the
15 administrative hearing. An initial hearing shall be
16 scheduled and convened no later than 45 days after the date
17 of the mailing of the notice of hearing.

18 (g) In addition to the requirements contained in
19 subdivision (b) (4) of Section 11-208.3 of this Code relating to
20 administrative hearings, any ordinance providing for the
21 impoundment and release of vehicles under this Section shall
22 include the following requirements concerning administrative
23 hearings:

24 (1) administrative hearings shall be conducted by a
25 hearing officer who is an attorney licensed to practice law
26 in this State for a minimum of 3 years;

1 (2) at the conclusion of the administrative hearing,
2 the hearing officer shall issue a written decision either
3 sustaining or overruling the vehicle impoundment;

4 (3) if the basis for the vehicle impoundment is
5 sustained by the administrative hearing officer, any
6 administrative fee posted to secure the release of the
7 vehicle shall be forfeited to the municipality;

8 (4) all final decisions of the administrative hearing
9 officer shall be subject to review under the provisions of
10 the Administrative Review Law; and

11 (5) unless the administrative hearing officer
12 overturns the basis for the vehicle impoundment, no vehicle
13 shall be released to the owner, lessee, or lienholder of
14 record until all administrative fees and towing and storage
15 charges are paid.

16 (h) Vehicles not retrieved from the towing facility or
17 storage facility within 35 days after the administrative
18 hearing officer issues a written decision shall be deemed
19 abandoned and disposed of in accordance with the provisions of
20 Article II of Chapter 4 of this Code.

21 (i) Unless stayed by a court of competent jurisdiction, any
22 fine, penalty, or administrative fee imposed under this Section
23 which remains unpaid in whole or in part after the expiration
24 of the deadline for seeking judicial review under the
25 Administrative Review Law may be enforced in the same manner as
26 a judgment entered by a court of competent jurisdiction.

1 (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13;
2 98-518, eff. 8-22-13; revised 9-19-13.)

3 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

4 Sec. 11-501. Driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or any
6 combination thereof.

7 (a) A person shall not drive or be in actual physical
8 control of any vehicle within this State while:

9 (1) the alcohol concentration in the person's blood or
10 breath is 0.08 or more based on the definition of blood and
11 breath units in Section 11-501.2;

12 (2) under the influence of alcohol;

13 (3) under the influence of any intoxicating compound or
14 combination of intoxicating compounds to a degree that
15 renders the person incapable of driving safely;

16 (4) under the influence of any other drug or
17 combination of drugs to a degree that renders the person
18 incapable of safely driving;

19 (5) under the combined influence of alcohol, other drug
20 or drugs, or intoxicating compound or compounds to a degree
21 that renders the person incapable of safely driving; or

22 (6) there is any amount of a drug, substance, or
23 compound in the person's breath, blood, or urine resulting
24 from the unlawful use or consumption of cannabis listed in
25 the Cannabis Control Act, a controlled substance listed in

1 the Illinois Controlled Substances Act, an intoxicating
2 compound listed in the Use of Intoxicating Compounds Act,
3 or methamphetamine as listed in the Methamphetamine
4 Control and Community Protection Act. Subject to all other
5 requirements and provisions under this Section, this
6 paragraph (6) does not apply to the lawful consumption of
7 cannabis by a qualifying patient licensed under the
8 Compassionate Use of Medical Cannabis Pilot Program Act who
9 is in possession of a valid registry card issued under that
10 Act, unless that person is impaired by the use of cannabis.

11 (b) The fact that any person charged with violating this
12 Section is or has been legally entitled to use alcohol,
13 cannabis under the Compassionate Use of Medical Cannabis Pilot
14 Program Act, other drug or drugs, or intoxicating compound or
15 compounds, or any combination thereof, shall not constitute a
16 defense against any charge of violating this Section.

17 (c) Penalties.

18 (1) Except as otherwise provided in this Section, any
19 person convicted of violating subsection (a) of this
20 Section is guilty of a Class A misdemeanor.

21 (2) A person who violates subsection (a) or a similar
22 provision a second time shall be sentenced to a mandatory
23 minimum term of either 5 days of imprisonment or 240 hours
24 of community service in addition to any other criminal or
25 administrative sanction.

26 (3) A person who violates subsection (a) is subject to

1 6 months of imprisonment, an additional mandatory minimum
2 fine of \$1,000, and 25 days of community service in a
3 program benefiting children if the person was transporting
4 a person under the age of 16 at the time of the violation.

5 (4) A person who violates subsection (a) a first time,
6 if the alcohol concentration in his or her blood, breath,
7 or urine was 0.16 or more based on the definition of blood,
8 breath, or urine units in Section 11-501.2, shall be
9 subject, in addition to any other penalty that may be
10 imposed, to a mandatory minimum of 100 hours of community
11 service and a mandatory minimum fine of \$500.

12 (5) A person who violates subsection (a) a second time,
13 if at the time of the second violation the alcohol
14 concentration in his or her blood, breath, or urine was
15 0.16 or more based on the definition of blood, breath, or
16 urine units in Section 11-501.2, shall be subject, in
17 addition to any other penalty that may be imposed, to a
18 mandatory minimum of 2 days of imprisonment and a mandatory
19 minimum fine of \$1,250.

20 (d) Aggravated driving under the influence of alcohol,
21 other drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof.

23 (1) Every person convicted of committing a violation of
24 this Section shall be guilty of aggravated driving under
25 the influence of alcohol, other drug or drugs, or
26 intoxicating compound or compounds, or any combination

1 thereof if:

2 (A) the person committed a violation of subsection
3 (a) or a similar provision for the third or subsequent
4 time;

5 (B) the person committed a violation of subsection
6 (a) while driving a school bus with one or more
7 passengers on board;

8 (C) the person in committing a violation of
9 subsection (a) was involved in a motor vehicle accident
10 that resulted in great bodily harm or permanent
11 disability or disfigurement to another, when the
12 violation was a proximate cause of the injuries;

13 (D) the person committed a violation of subsection
14 (a) and has been previously convicted of violating
15 Section 9-3 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 or a similar provision of a law
17 of another state relating to reckless homicide in which
18 the person was determined to have been under the
19 influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds as an element of the
21 offense or the person has previously been convicted
22 under subparagraph (C) or subparagraph (F) of this
23 paragraph (1);

24 (E) the person, in committing a violation of
25 subsection (a) while driving at any speed in a school
26 speed zone at a time when a speed limit of 20 miles per

1 hour was in effect under subsection (a) of Section
2 11-605 of this Code, was involved in a motor vehicle
3 accident that resulted in bodily harm, other than great
4 bodily harm or permanent disability or disfigurement,
5 to another person, when the violation of subsection (a)
6 was a proximate cause of the bodily harm;

7 (F) the person, in committing a violation of
8 subsection (a), was involved in a motor vehicle,
9 snowmobile, all-terrain vehicle, or watercraft
10 accident that resulted in the death of another person,
11 when the violation of subsection (a) was a proximate
12 cause of the death;

13 (G) the person committed a violation of subsection
14 (a) during a period in which the defendant's driving
15 privileges are revoked or suspended, where the
16 revocation or suspension was for a violation of
17 subsection (a) or a similar provision, Section
18 11-501.1, paragraph (b) of Section 11-401, or for
19 reckless homicide as defined in Section 9-3 of the
20 Criminal Code of 1961 or the Criminal Code of 2012;

21 (H) the person committed the violation while he or
22 she did not possess a driver's license or permit or a
23 restricted driving permit or a judicial driving permit
24 or a monitoring device driving permit;

25 (I) the person committed the violation while he or
26 she knew or should have known that the vehicle he or

1 she was driving was not covered by a liability
2 insurance policy;

3 (J) the person in committing a violation of
4 subsection (a) was involved in a motor vehicle accident
5 that resulted in bodily harm, but not great bodily
6 harm, to the child under the age of 16 being
7 transported by the person, if the violation was the
8 proximate cause of the injury;

9 (K) the person in committing a second violation of
10 subsection (a) or a similar provision was transporting
11 a person under the age of 16; or

12 (L) the person committed a violation of subsection
13 (a) of this Section while transporting one or more
14 passengers in a vehicle for-hire.

15 (2) (A) Except as provided otherwise, a person
16 convicted of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof is guilty of a Class
19 4 felony.

20 (B) A third violation of this Section or a similar
21 provision is a Class 2 felony. If at the time of the third
22 violation the alcohol concentration in his or her blood,
23 breath, or urine was 0.16 or more based on the definition
24 of blood, breath, or urine units in Section 11-501.2, a
25 mandatory minimum of 90 days of imprisonment and a
26 mandatory minimum fine of \$2,500 shall be imposed in

1 addition to any other criminal or administrative sanction.
2 If at the time of the third violation, the defendant was
3 transporting a person under the age of 16, a mandatory fine
4 of \$25,000 and 25 days of community service in a program
5 benefiting children shall be imposed in addition to any
6 other criminal or administrative sanction.

7 (C) A fourth violation of this Section or a similar
8 provision is a Class 2 felony, for which a sentence of
9 probation or conditional discharge may not be imposed. If
10 at the time of the violation, the alcohol concentration in
11 the defendant's blood, breath, or urine was 0.16 or more
12 based on the definition of blood, breath, or urine units in
13 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
14 be imposed in addition to any other criminal or
15 administrative sanction. If at the time of the fourth
16 violation, the defendant was transporting a person under
17 the age of 16 a mandatory fine of \$25,000 and 25 days of
18 community service in a program benefiting children shall be
19 imposed in addition to any other criminal or administrative
20 sanction.

21 (D) A fifth violation of this Section or a similar
22 provision is a Class 1 felony, for which a sentence of
23 probation or conditional discharge may not be imposed. If
24 at the time of the violation, the alcohol concentration in
25 the defendant's blood, breath, or urine was 0.16 or more
26 based on the definition of blood, breath, or urine units in

1 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
2 be imposed in addition to any other criminal or
3 administrative sanction. If at the time of the fifth
4 violation, the defendant was transporting a person under
5 the age of 16, a mandatory fine of \$25,000, and 25 days of
6 community service in a program benefiting children shall be
7 imposed in addition to any other criminal or administrative
8 sanction.

9 (E) A sixth or subsequent violation of this Section or
10 similar provision is a Class X felony. If at the time of
11 the violation, the alcohol concentration in the
12 defendant's blood, breath, or urine was 0.16 or more based
13 on the definition of blood, breath, or urine units in
14 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
15 be imposed in addition to any other criminal or
16 administrative sanction. If at the time of the violation,
17 the defendant was transporting a person under the age of
18 16, a mandatory fine of \$25,000 and 25 days of community
19 service in a program benefiting children shall be imposed
20 in addition to any other criminal or administrative
21 sanction.

22 (F) For a violation of subparagraph (C) of paragraph
23 (1) of this subsection (d), the defendant, if sentenced to
24 a term of imprisonment, shall be sentenced to not less than
25 one year nor more than 12 years.

26 (G) A violation of subparagraph (F) of paragraph (1) of

1 this subsection (d) is a Class 2 felony, for which the
2 defendant, unless the court determines that extraordinary
3 circumstances exist and require probation, shall be
4 sentenced to: (i) a term of imprisonment of not less than 3
5 years and not more than 14 years if the violation resulted
6 in the death of one person; or (ii) a term of imprisonment
7 of not less than 6 years and not more than 28 years if the
8 violation resulted in the deaths of 2 or more persons.

9 (H) For a violation of subparagraph (J) of paragraph
10 (1) of this subsection (d), a mandatory fine of \$2,500, and
11 25 days of community service in a program benefiting
12 children shall be imposed in addition to any other criminal
13 or administrative sanction.

14 (I) A violation of subparagraph (K) of paragraph (1) of
15 this subsection (d), is a Class 2 felony and a mandatory
16 fine of \$2,500, and 25 days of community service in a
17 program benefiting children shall be imposed in addition to
18 any other criminal or administrative sanction. If the child
19 being transported suffered bodily harm, but not great
20 bodily harm, in a motor vehicle accident, and the violation
21 was the proximate cause of that injury, a mandatory fine of
22 \$5,000 and 25 days of community service in a program
23 benefiting children shall be imposed in addition to any
24 other criminal or administrative sanction.

25 (J) A violation of subparagraph (D) of paragraph (1) of
26 this subsection (d) is a Class 3 felony, for which a

1 sentence of probation or conditional discharge may not be
2 imposed.

3 (3) Any person sentenced under this subsection (d) who
4 receives a term of probation or conditional discharge must
5 serve a minimum term of either 480 hours of community
6 service or 10 days of imprisonment as a condition of the
7 probation or conditional discharge in addition to any other
8 criminal or administrative sanction.

9 (e) Any reference to a prior violation of subsection (a) or
10 a similar provision includes any violation of a provision of a
11 local ordinance or a provision of a law of another state or an
12 offense committed on a military installation that is similar to
13 a violation of subsection (a) of this Section.

14 (f) The imposition of a mandatory term of imprisonment or
15 assignment of community service for a violation of this Section
16 shall not be suspended or reduced by the court.

17 (g) Any penalty imposed for driving with a license that has
18 been revoked for a previous violation of subsection (a) of this
19 Section shall be in addition to the penalty imposed for any
20 subsequent violation of subsection (a).

21 (h) For any prosecution under this Section, a certified
22 copy of the driving abstract of the defendant shall be admitted
23 as proof of any prior conviction.

24 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;
25 98-573, eff. 8-27-13; revised 9-19-13.)

1 (625 ILCS 5/11-709.2)

2 Sec. 11-709.2. Bus on shoulder pilot program.

3 (a) For purposes of this Section, "bus on shoulders" is the
4 use of specifically designated shoulders of roadways by
5 authorized transit buses. The shoulders may be used by transit
6 buses at times and locations as set by the Department in
7 cooperation with the Regional Transportation Authority and the
8 Suburban Bus Division of the Regional Transportation
9 Authority.

10 (b) Commencing on the effective date of this amendatory Act
11 of the 97th General Assembly, the Department along with the
12 Regional Transportation Authority and Suburban Bus Division of
13 the Regional Transportation Authority in cooperation with the
14 Illinois State Police shall establish a 5-year pilot program
15 within the boundaries of the Regional Transportation Authority
16 for transit buses on highways and shoulders. The pilot program
17 may be implemented on shoulders of highways as designated by
18 the Department in cooperation with the Regional Transportation
19 Authority and Suburban Bus Division of the Regional
20 Transportation Authority. The Department may adopt rules
21 necessary for transit buses to use roadway shoulders.

22 (c) After the pilot program established under subsection
23 (b) of this Section has been operating for 2 years, the
24 Department in cooperation with the Regional Transportation
25 ~~Transit~~ Authority, the Suburban Bus Division of the Regional
26 Transportation Authority, and the Illinois State Police shall

1 issue a report to the General Assembly on the effectiveness of
2 the bus on shoulders pilot program.

3 (Source: P.A. 97-292, eff. 8-11-11; revised 11-19-13.)

4 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

5 Sec. 12-215. Oscillating, rotating or flashing lights on
6 motor vehicles. Except as otherwise provided in this Code:

7 (a) The use of red or white oscillating, rotating or
8 flashing lights, whether lighted or unlighted, is prohibited
9 except on:

10 1. Law enforcement vehicles of State, Federal or local
11 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 who has
18 completed an emergency vehicle operation training course
19 approved by the Office of the State Fire Marshal and
20 designated or authorized by local authorities, in writing,
21 as a fire department, fire protection district, or township
22 fire department vehicle; however, the designation or
23 authorization must be carried in the vehicle, and the
24 lights may be visible or activated only when responding to
25 a bona fide emergency;

1 3. Vehicles of local fire departments and State or
2 federal firefighting vehicles;

3 4. Vehicles which are designed and used exclusively as
4 ambulances or rescue vehicles; furthermore, such lights
5 shall not be lighted except when responding to an emergency
6 call for and while actually conveying the sick or injured;

7 5. Tow trucks licensed in a state that requires such
8 lights; furthermore, such lights shall not be lighted on
9 any such tow truck while the tow truck is operating in the
10 State of Illinois;

11 6. 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;

17 7. Vehicles operated by a local or county emergency
18 management services agency as defined in the Illinois
19 Emergency Management Agency Act;

20 8. School buses operating alternately flashing head
21 lamps as permitted under Section 12-805 of this Code;

22 9. Vehicles that are equipped and used exclusively as
23 organ transplant vehicles when used in combination with
24 blue oscillating, rotating, or flashing lights;
25 furthermore, these lights shall be lighted only when the
26 transportation is declared an emergency by a member of the

1 transplant team or a representative of the organ
2 procurement organization; ~~and~~

3 10. Vehicles of the Illinois Department of Natural
4 Resources that are used for mine rescue and explosives
5 emergency response; and.

6 11. Vehicles of the Illinois Department of
7 Transportation identified as Emergency Traffic Patrol; the
8 ~~The~~ lights shall not be lighted except when responding to
9 an emergency call or when parked or stationary while
10 engaged in motor vehicle assistance or at the scene of the
11 emergency.

12 (b) The use of amber oscillating, rotating or flashing
13 lights, whether lighted or unlighted, is prohibited except on:

14 1. Second division vehicles designed and used for
15 towing or hoisting vehicles; furthermore, such lights
16 shall not be lighted except as required in this paragraph
17 1; such lights shall be lighted when such vehicles are
18 actually being used at the scene of an accident or
19 disablement; if the towing vehicle is equipped with a flat
20 bed that supports all wheels of the vehicle being
21 transported, the lights shall not be lighted while the
22 vehicle is engaged in towing on a highway; if the towing
23 vehicle is not equipped with a flat bed that supports all
24 wheels of a vehicle being transported, the lights shall be
25 lighted while the towing vehicle is engaged in towing on a
26 highway during all times when the use of headlights is

1 required under Section 12-201 of this Code; in addition,
2 these vehicles may use white oscillating, rotating, or
3 flashing lights in combination with amber oscillating,
4 rotating, or flashing lights as provided in this paragraph;

5 2. Motor vehicles or equipment of the State of
6 Illinois, local authorities and contractors; furthermore,
7 such lights shall not be lighted except while such vehicles
8 are engaged in maintenance or construction operations
9 within the limits of construction projects;

10 3. Vehicles or equipment used by engineering or survey
11 crews; furthermore, such lights shall not be lighted except
12 while such vehicles are actually engaged in work on a
13 highway;

14 4. Vehicles of public utilities, municipalities, or
15 other construction, maintenance or automotive service
16 vehicles except that such lights shall be lighted only as a
17 means for indicating the presence of a vehicular traffic
18 hazard requiring unusual care in approaching, overtaking
19 or passing while such vehicles are engaged in maintenance,
20 service or construction on a highway;

21 5. Oversized vehicle or load; however, such lights
22 shall only be lighted when moving under permit issued by
23 the Department under Section 15-301 of this Code;

24 6. The front and rear of motorized equipment owned and
25 operated by the State of Illinois or any political
26 subdivision thereof, which is designed and used for removal

1 of snow and ice from highways;

2 6.1. ~~(6.1)~~ The front and rear of motorized equipment or
3 vehicles that (i) are not owned by the State of Illinois or
4 any political subdivision of the State, (ii) are designed
5 and used for removal of snow and ice from highways and
6 parking lots, and (iii) are equipped with a snow plow that
7 is 12 feet in width; these lights may not be lighted except
8 when the motorized equipment or vehicle is actually being
9 used for those purposes on behalf of a unit of government;

10 7. Fleet safety vehicles registered in another state,
11 furthermore, such lights shall not be lighted except as
12 provided for in Section 12-212 of this Code;

13 8. Such other vehicles as may be authorized by local
14 authorities;

15 9. Law enforcement vehicles of State or local
16 authorities when used in combination with red oscillating,
17 rotating or flashing lights;

18 9.5. Propane delivery trucks;

19 10. Vehicles used for collecting or delivering mail for
20 the United States Postal Service provided that such lights
21 shall not be lighted except when such vehicles are actually
22 being used for such purposes;

23 10.5. Vehicles of the Office of the Illinois State Fire
24 Marshal, provided that such lights shall not be lighted
25 except for when such vehicles are engaged in work for the
26 Office of the Illinois State Fire Marshal;

1 11. Any vehicle displaying a slow-moving vehicle
2 emblem as provided in Section 12-205.1;

3 12. All trucks equipped with self-compactors or
4 roll-off hoists and roll-on containers for garbage or
5 refuse hauling. Such lights shall not be lighted except
6 when such vehicles are actually being used for such
7 purposes;

8 13. Vehicles used by a security company, alarm
9 responder, control agency, or the Illinois Department of
10 Corrections;

11 14. Security vehicles of the Department of Human
12 Services; however, the lights shall not be lighted except
13 when being used for security related purposes under the
14 direction of the superintendent of the facility where the
15 vehicle is located; and

16 15. Vehicles of union representatives, except that the
17 lights shall be lighted only while the vehicle is within
18 the limits of a construction project.

19 (c) The use of blue oscillating, rotating or flashing
20 lights, whether lighted or unlighted, is prohibited except on:

21 1. Rescue squad vehicles not owned by a fire department
22 and vehicles owned or operated by a:

23 voluntary firefighter;

24 paid firefighter;

25 part-paid firefighter;

26 call firefighter;

1 member of the board of trustees of a fire
2 protection district;

3 paid or unpaid member of a rescue squad;

4 paid or unpaid member of a voluntary ambulance
5 unit; or

6 paid or unpaid members of a local or county
7 emergency management services agency as defined in the
8 Illinois Emergency Management Agency Act, designated
9 or authorized by local authorities, in writing, and
10 carrying that designation or authorization in the
11 vehicle.

12 However, such lights are not to be lighted except when
13 responding to a bona fide emergency or when parked or
14 stationary at the scene of a fire, rescue call, ambulance
15 call, or motor vehicle accident.

16 Any person using these lights in accordance with this
17 subdivision (c)1 must carry on his or her person an
18 identification card or letter identifying the bona fide
19 member of a fire department, fire protection district,
20 rescue squad, ambulance unit, or emergency management
21 services agency that owns or operates that vehicle. The
22 card or letter must include:

23 (A) the name of the fire department, fire
24 protection district, rescue squad, ambulance unit, or
25 emergency management services agency;

26 (B) the member's position within the fire

1 department, fire protection district, rescue squad,
2 ambulance unit, or emergency management services
3 agency;

4 (C) the member's term of service; and

5 (D) the name of a person within the fire
6 department, fire protection district, rescue squad,
7 ambulance unit, or emergency management services
8 agency to contact to verify the information provided.

9 2. Police department vehicles in cities having a
10 population of 500,000 or more inhabitants.

11 3. Law enforcement vehicles of State or local
12 authorities when used in combination with red oscillating,
13 rotating or flashing lights.

14 4. Vehicles of local fire departments and State or
15 federal firefighting vehicles when used in combination
16 with red oscillating, rotating or flashing lights.

17 5. Vehicles which are designed and used exclusively as
18 ambulances or rescue vehicles when used in combination with
19 red oscillating, rotating or flashing lights; furthermore,
20 such lights shall not be lighted except when responding to
21 an emergency call.

22 6. Vehicles that are equipped and used exclusively as
23 organ transport vehicles when used in combination with red
24 oscillating, rotating, or flashing lights; furthermore,
25 these lights shall only be lighted when the transportation
26 is declared an emergency by a member of the transplant team

1 or a representative of the organ procurement organization.

2 7. Vehicles of the Illinois Emergency Management
3 Agency, vehicles of the Office of the Illinois State Fire
4 Marshal, vehicles of the Illinois Department of Public
5 Health, vehicles of the Illinois Department of
6 Corrections, and vehicles of the Illinois Department of
7 Juvenile Justice, when used in combination with red
8 oscillating, rotating, or flashing lights.

9 8. Vehicles operated by a local or county emergency
10 management services agency as defined in the Illinois
11 Emergency Management Agency Act, when used in combination
12 with red oscillating, rotating, or flashing lights.

13 9. Vehicles of the Illinois Department of Natural
14 Resources that are used for mine rescue and explosives
15 emergency response, when used in combination with red
16 oscillating, rotating, or flashing lights.

17 (c-1) In addition to the blue oscillating, rotating, or
18 flashing lights permitted under subsection (c), and
19 notwithstanding subsection (a), a vehicle operated by a
20 voluntary firefighter, a voluntary member of a rescue squad, or
21 a member of a voluntary ambulance unit may be equipped with
22 flashing white headlights and blue grill lights, which may be
23 used only in responding to an emergency call or when parked or
24 stationary at the scene of a fire, rescue call, ambulance call,
25 or motor vehicle accident.

26 (c-2) 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 paid or
3 unpaid member of a local or county emergency management
4 services agency as defined in the Illinois Emergency Management
5 Agency Act, may be equipped with white oscillating, rotating,
6 or flashing lights to be used in combination with blue
7 oscillating, rotating, or flashing lights, if authorization by
8 local authorities is in writing and carried in the vehicle.

9 (d) The use of a combination of amber and white
10 oscillating, rotating or flashing lights, whether lighted or
11 unlighted, is prohibited except on second division vehicles
12 designed and used for towing or hoisting vehicles or motor
13 vehicles or equipment of the State of Illinois, local
14 authorities, contractors, and union representatives;
15 furthermore, such lights shall not be lighted on second
16 division vehicles designed and used for towing or hoisting
17 vehicles or vehicles of the State of Illinois, local
18 authorities, and contractors except while such vehicles are
19 engaged in a tow operation, highway maintenance, or
20 construction operations within the limits of highway
21 construction projects, and shall not be lighted on the vehicles
22 of union representatives except when those vehicles are within
23 the limits of a construction project.

24 (e) All oscillating, rotating or flashing lights referred
25 to in this Section shall be of sufficient intensity, when
26 illuminated, to be visible at 500 feet in normal sunlight.

1 (f) Nothing in this Section shall prohibit a manufacturer
2 of oscillating, rotating or flashing lights or his
3 representative or authorized vendor from temporarily mounting
4 such lights on a vehicle for demonstration purposes only. If
5 the lights are not covered while the vehicle is operated upon a
6 highway, the vehicle shall display signage indicating that the
7 vehicle is out of service or not an emergency vehicle. The
8 signage shall be displayed on all sides of the vehicle in
9 letters at least 2 inches tall and one-half inch wide. A
10 vehicle authorized to have oscillating, rotating, or flashing
11 lights mounted for demonstration purposes may not activate the
12 lights while the vehicle is operated upon a highway.

13 (g) Any person violating the provisions of subsections (a),
14 (b), (c) or (d) of this Section who without lawful authority
15 stops or detains or attempts to stop or detain another person
16 shall be guilty of a Class 2 felony.

17 (h) Except as provided in subsection (g) above, any person
18 violating the provisions of subsections (a) or (c) of this
19 Section shall be guilty of a Class A misdemeanor.

20 (Source: P.A. 97-39, eff. 1-1-12; 97-149, eff. 7-14-11; 97-813,
21 eff. 7-13-12; 97-1173, eff. 1-1-14; 98-80, eff. 7-15-13;
22 98-123, eff. 1-1-14; 98-468, eff. 8-16-13; revised 10-17-13.)

23 (625 ILCS 5/12-610.2)

24 Sec. 12-610.2. Electronic communication devices.

25 (a) As used in this Section:

1 "Electronic communication device" means an electronic
2 device, including but not limited to a hand-held wireless
3 telephone, hand-held personal digital assistant, or a portable
4 or mobile computer, but does not include a global positioning
5 system or navigation system or a device that is physically or
6 electronically integrated into the motor vehicle.

7 (b) A person may not operate a motor vehicle on a roadway
8 while using an electronic communication device.

9 (b-5) A person commits aggravated use of an electronic
10 communication device when he or she violates subsection (b) and
11 in committing the violation he or she was involved in a motor
12 vehicle accident that results in great bodily harm, permanent
13 disability, disfigurement, or death to another and the
14 violation was a proximate cause of the injury or death.

15 (c) A second or subsequent violation of this Section is an
16 offense against traffic regulations governing the movement of
17 vehicles. A person who violates this Section shall be fined a
18 maximum of \$75 for a first offense, \$100 for a second offense,
19 \$125 for a third offense, and \$150 for a fourth or subsequent
20 offense.

21 (d) This Section does not apply to:

22 (1) a law enforcement officer or operator of an
23 emergency vehicle while performing his or her official
24 duties;

25 (2) a driver using an electronic communication device
26 for the sole purpose of reporting an emergency situation

1 and continued communication with emergency personnel
2 during the emergency situation;

3 (3) a driver using an electronic communication device
4 in hands-free or voice-operated mode, which may include the
5 use of a headset;

6 (4) a driver of a commercial motor vehicle reading a
7 message displayed on a permanently installed communication
8 device designed for a commercial motor vehicle with a
9 screen that does not exceed 10 inches tall by 10 inches
10 wide in size;

11 (5) a driver using an electronic communication device
12 while parked on the shoulder of a roadway;

13 (6) a driver using an electronic communication device
14 when the vehicle is stopped due to normal traffic being
15 obstructed and the driver has the motor vehicle
16 transmission in neutral or park;

17 (7) a driver using two-way or citizens band radio
18 services;

19 (8) a driver using two-way mobile radio transmitters or
20 receivers for licensees of the Federal Communications
21 Commission in the amateur radio service;

22 (9) a driver using an electronic communication device
23 by pressing a single button to initiate or terminate a
24 voice communication; or

25 (10) a driver using an electronic communication device
26 capable of performing multiple functions, other than a

1 hand-held wireless telephone or hand-held personal digital
2 assistant (for example, a fleet management system,
3 dispatching device, citizens band radio, or music player)
4 for a purpose that is not otherwise prohibited by this
5 Section.

6 (e) A person convicted of violating subsection (b-5)
7 commits a Class A misdemeanor if the violation resulted in
8 great bodily harm, permanent disability, or disfigurement to
9 another. A person convicted of violating subsection (b-5)
10 commits a Class 4 felony if the violation resulted in the death
11 of another person.

12 (Source: P.A. 97-828, eff. 7-20-12; 98-506, eff. 1-1-14;
13 98-507, eff. 1-1-14; revised 9-19-13.)

14 (625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)

15 Sec. 15-111. Wheel and axle loads and gross weights.

16 (a) No vehicle or combination of vehicles with pneumatic
17 tires may be operated, unladen or with load, when the total
18 weight on the road surface exceeds the following: 20,000 pounds
19 on a single axle; 34,000 pounds on a tandem axle with no axle
20 within the tandem exceeding 20,000 pounds; 80,000 pounds gross
21 weight for vehicle combinations of 5 or more axles; or a total
22 weight on a group of 2 or more consecutive axles in excess of
23 that weight produced by the application of the following
24 formula: $W = 500 \text{ times the sum of } (LN \text{ divided by } N-1) + 12N +$
25 36 , where "W" equals overall total weight on any group of 2 or

1 more consecutive axles to the nearest 500 pounds, "L" equals
 2 the distance measured to the nearest foot between extremes of
 3 any group of 2 or more consecutive axles, and "N" equals the
 4 number of axles in the group under consideration.

5 The above formula when expressed in tabular form results in
 6 allowable loads as follows:

7	Distance measured	Maximum weight in pounds				
8	to the nearest	of any group of				
9	foot between the	2 or more consecutive axles				
10	extremes of any					
11	group of 2 or					
12	more consecutive					
13	axles					
14	feet	2 axles	3 axles	4 axles	5 axles	6 axles
15	4	34,000				
16	5	34,000				
17	6	34,000				
18	7	34,000				
19	8	38,000*	42,000			
20	9	39,000	42,500			
21	10	40,000	43,500			
22	11		44,000			
23	12		45,000	50,000		
24	13		45,500	50,500		
25	14		46,500	51,500		

1	15	47,000	52,000		
2	16	48,000	52,500	58,000	
3	17	48,500	53,500	58,500	
4	18	49,500	54,000	59,000	
5	19	50,000	54,500	60,000	
6	20	51,000	55,500	60,500	66,000
7	21	51,500	56,000	61,000	66,500
8	22	52,500	56,500	61,500	67,000
9	23	53,000	57,500	62,500	68,000
10	24	54,000	58,000	63,000	68,500
11	25	54,500	58,500	63,500	69,000
12	26	55,500	59,500	64,000	69,500
13	27	56,000	60,000	65,000	70,000
14	28	57,000	60,500	65,500	71,000
15	29	57,500	61,500	66,000	71,500
16	30	58,500	62,000	66,500	72,000
17	31	59,000	62,500	67,500	72,500
18	32	60,000	63,500	68,000	73,000
19	33		64,000	68,500	74,000
20	34		64,500	69,000	74,500
21	35		65,500	70,000	75,000
22	36		66,000	70,500	75,500
23	37		66,500	71,000	76,000
24	38		67,500	72,000	77,000
25	39		68,000	72,500	77,500
26	40		68,500	73,000	78,000

1	41	69,500	73,500	78,500
2	42	70,000	74,000	79,000
3	43	70,500	75,000	80,000
4	44	71,500	75,500	
5	45	72,000	76,000	
6	46	72,500	76,500	
7	47	73,500	77,500	
8	48	74,000	78,000	
9	49	74,500	78,500	
10	50	75,500	79,000	
11	51	76,000	80,000	
12	52	76,500		
13	53	77,500		
14	54	78,000		
15	55	78,500		
16	56	79,500		
17	57	80,000		

18 *If the distance between 2 axles is 96 inches or less, the 2
19 axles are tandem axles and the maximum total weight may not
20 exceed 34,000 pounds, notwithstanding the higher limit
21 resulting from the application of the formula.

22 Vehicles not in a combination having more than 4 axles may
23 not exceed the weight in the table in this subsection (a) for 4
24 axles measured between the extreme axles of the vehicle.

25 Vehicles in a combination having more than 6 axles may not
26 exceed the weight in the table in this subsection (a) for 6

1 axles measured between the extreme axles of the combination.

2 Local authorities, with respect to streets and highways
3 under their jurisdiction, without additional fees, may also by
4 ordinance or resolution allow the weight limitations of this
5 subsection, provided the maximum gross weight on any one axle
6 shall not exceed 20,000 pounds and the maximum total weight on
7 any tandem axle shall not exceed 34,000 pounds, on designated
8 highways when appropriate regulatory signs giving notice are
9 erected upon the street or highway or portion of any street or
10 highway affected by the ordinance or resolution.

11 The following are exceptions to the above formula:

12 (1) Vehicles for which a different limit is established
13 and posted in accordance with Section 15-316 of this Code.

14 (2) Vehicles for which the Department of
15 Transportation and local authorities issue overweight
16 permits under authority of Section 15-301 of this Code.
17 These vehicles are not subject to the bridge formula.

18 (3) Cities having a population of more than 50,000 may
19 permit by ordinance axle loads on 2 axle motor vehicles 33
20 1/2% above those provided for herein, but the increase
21 shall not become effective until the city has officially
22 notified the Department of the passage of the ordinance and
23 shall not apply to those vehicles when outside of the
24 limits of the city, nor shall the gross weight of any 2
25 axle motor vehicle operating over any street of the city
26 exceed 40,000 pounds.

1 (4) Weight limitations shall not apply to vehicles
2 (including loads) operated by a public utility when
3 transporting equipment required for emergency repair of
4 public utility facilities or properties or water wells.

5 (5) Two consecutive sets of tandem axles may carry a
6 total weight of 34,000 pounds each if the overall distance
7 between the first and last axles of the consecutive sets of
8 tandem axles is 36 feet or more, notwithstanding the lower
9 limit resulting from the application of the above formula.

10 (6) A truck, not in combination and used exclusively
11 for the collection of rendering materials, may, when laden,
12 transmit upon the road surface, except when on part of the
13 National System of Interstate and Defense Highways, the
14 following maximum weights: 22,000 pounds on a single axle;
15 40,000 pounds on a tandem axle.

16 (7) A truck not in combination, equipped with a self
17 compactor or an industrial roll-off hoist and roll-off
18 container, used exclusively for garbage, refuse, or
19 recycling operations, may, when laden, transmit upon the
20 road surface, except when on part of the National System of
21 Interstate and Defense Highways, the following maximum
22 weights: 22,000 pounds on a single axle; 40,000 pounds on a
23 tandem axle; 40,000 pounds gross weight on a 2-axle
24 vehicle; 54,000 pounds gross weight on a 3-axle vehicle.
25 This vehicle is not subject to the bridge formula.

26 (7.5) A 3-axle rear discharge truck mixer registered as

1 a Special Hauling Vehicle, used exclusively for the mixing
2 and transportation of concrete in the plastic state, may,
3 when laden, transmit upon the road surface, except when on
4 part of the National System of Interstate and Defense
5 Highways, the following maximum weights: 22,000 pounds on
6 single axle; 40,000 pounds on a tandem axle; 54,000 pounds
7 gross weight on a 3-axle vehicle. This vehicle is not
8 subject to the bridge formula.

9 (8) Except as provided in paragraph (7.5) of this
10 subsection (a), tandem axles on a 3-axle truck registered
11 as a Special Hauling Vehicle, manufactured prior to or in
12 the model year of 2024 and first registered in Illinois
13 prior to January 1, 2025, with a distance greater than 72
14 inches but not more than 96 inches between any series of 2
15 axles, is allowed a combined weight on the series not to
16 exceed 36,000 pounds and neither axle of the series may
17 exceed 20,000 pounds. Any vehicle of this type manufactured
18 after the model year of 2024 or first registered in
19 Illinois after December 31, 2024 may not exceed a combined
20 weight of 34,000 pounds through the series of 2 axles and
21 neither axle of the series may exceed 20,000 pounds.

22 A 3-axle combination sewer cleaning jetting vacuum
23 truck registered as a Special Hauling Vehicle, used
24 exclusively for the transportation of non-hazardous solid
25 waste, manufactured before or in the model year of 2014,
26 first registered in Illinois before January 1, 2015, may,

1 when laden, transmit upon the road surface, except when on
2 part of the National System of Interstate and Defense
3 Highways, the following maximum weights: 22,000 pounds on a
4 single axle; 40,000 pounds on a tandem axle; 54,000 pounds
5 gross weight on a 3-axle vehicle. This vehicle is not
6 subject to the bridge formula.

7 (9) A 4-axle truck mixer registered as a Special
8 Hauling Vehicle, used exclusively for the mixing and
9 transportation of concrete in the plastic state, ~~2024-2025~~
10 and not operated on a highway that is part of the National
11 System of Interstate Highways, is allowed the following
12 maximum weights: 20,000 pounds on any single axle; 36,000
13 pounds on a series of axles greater than 72 inches but not
14 more than 96 inches; and 34,000 pounds on any series of 2
15 axles greater than 40 inches but not more than 72 inches.
16 The gross weight of this vehicle may not exceed the weights
17 allowed by the bridge formula for 4 axles. The bridge
18 formula does not apply to any series of 3 axles while the
19 vehicle is transporting concrete in the plastic state, but
20 no axle or tandem axle of the series may exceed the maximum
21 weight permitted under this paragraph (9) of subsection
22 (a).

23 (10) Combinations of vehicles, registered as Special
24 Hauling Vehicles that include a semitrailer manufactured
25 prior to or in the model year of 2024, and registered in
26 Illinois prior to January 1, 2025, having 5 axles with a

1 distance of 42 feet or less between extreme axles, may not
2 exceed the following maximum weights: 20,000 pounds on a
3 single axle; 34,000 pounds on a tandem axle; and 72,000
4 pounds gross weight. This combination of vehicles is not
5 subject to the bridge formula. For all those combinations
6 of vehicles that include a semitrailer manufactured after
7 the effective date of P.A. 92-0417, the overall distance
8 between the first and last axles of the 2 sets of tandems
9 must be 18 feet 6 inches or more. Any combination of
10 vehicles that has had its cargo container replaced in its
11 entirety after December 31, 2024 may not exceed the weights
12 allowed by the bridge formula.

13 (11) The maximum weight allowed on a vehicle with
14 crawler type tracks is 40,000 pounds.

15 (12) A combination of vehicles, including a tow truck
16 and a disabled vehicle or disabled combination of vehicles,
17 that exceeds the weight restriction imposed by this Code,
18 may be operated on a public highway in this State provided
19 that neither the disabled vehicle nor any vehicle being
20 towed nor the tow truck itself shall exceed the weight
21 limitations permitted under this Chapter. During the
22 towing operation, neither the tow truck nor the vehicle
23 combination shall exceed 24,000 pounds on a single rear
24 axle and 44,000 pounds on a tandem rear axle, provided the
25 towing vehicle:

26 (i) is specifically designed as a tow truck having

1 a gross vehicle weight rating of at least 18,000 pounds
2 and is equipped with air brakes, provided that air
3 brakes are required only if the towing vehicle is
4 towing a vehicle, semitrailer, or tractor-trailer
5 combination that is equipped with air brakes;

6 (ii) is equipped with flashing, rotating, or
7 oscillating amber lights, visible for at least 500 feet
8 in all directions;

9 (iii) is capable of utilizing the lighting and
10 braking systems of the disabled vehicle or combination
11 of vehicles; and

12 (iv) does not engage in a tow exceeding 20 miles
13 from the initial point of wreck or disablement. Any
14 additional movement of the vehicles may occur only upon
15 issuance of authorization for that movement under the
16 provisions of Sections 15-301 through 15-319 of this
17 Code. The towing vehicle, however, may tow any disabled
18 vehicle to a point where repairs are actually to occur.
19 This movement shall be valid only on State routes. The
20 tower must abide by posted bridge weight limits.

21 Gross weight limits shall not apply to the combination of
22 the tow truck and vehicles being towed. The tow truck license
23 plate must cover the operating empty weight of the tow truck
24 only. The weight of each vehicle being towed shall be covered
25 by a valid license plate issued to the owner or operator of the
26 vehicle being towed and displayed on that vehicle. If no valid

1 plate issued to the owner or operator of that vehicle is
2 displayed on that vehicle, or the plate displayed on that
3 vehicle does not cover the weight of the vehicle, the weight of
4 the vehicle shall be covered by the third tow truck plate
5 issued to the owner or operator of the tow truck and
6 temporarily affixed to the vehicle being towed. If a roll-back
7 carrier is registered and being used as a tow truck, however,
8 the license plate or plates for the tow truck must cover the
9 gross vehicle weight, including any load carried on the bed of
10 the roll-back carrier.

11 The Department may by rule or regulation prescribe
12 additional requirements. However, nothing in this Code shall
13 prohibit a tow truck under instructions of a police officer
14 from legally clearing a disabled vehicle, that may be in
15 violation of weight limitations of this Chapter, from the
16 roadway to the berm or shoulder of the highway. If in the
17 opinion of the police officer that location is unsafe, the
18 officer is authorized to have the disabled vehicle towed to the
19 nearest place of safety.

20 For the purpose of this subsection, gross vehicle weight
21 rating, or GVWR, means the value specified by the manufacturer
22 as the loaded weight of the tow truck.

23 (b) As used in this Section, "recycling haul" or "recycling
24 operation" means the hauling of non-hazardous, non-special,
25 non-putrescible materials, such as paper, glass, cans, or
26 plastic, for subsequent use in the secondary materials market.

1 (c) No vehicle or combination of vehicles equipped with
2 pneumatic tires shall be operated, unladen or with load, upon
3 the highways of this State in violation of the provisions of
4 any permit issued under the provisions of Sections 15-301
5 through 15-319 of this Chapter.

6 (d) No vehicle or combination of vehicles equipped with
7 other than pneumatic tires may be operated, unladen or with
8 load, upon the highways of this State when the gross weight on
9 the road surface through any wheel exceeds 800 pounds per inch
10 width of tire tread or when the gross weight on the road
11 surface through any axle exceeds 16,000 pounds.

12 (e) No person shall operate a vehicle or combination of
13 vehicles over a bridge or other elevated structure constituting
14 part of a highway with a gross weight that is greater than the
15 maximum weight permitted by the Department, when the structure
16 is sign posted as provided in this Section.

17 (f) The Department upon request from any local authority
18 shall, or upon its own initiative may, conduct an investigation
19 of any bridge or other elevated structure constituting a part
20 of a highway, and if it finds that the structure cannot with
21 safety to itself withstand the weight of vehicles otherwise
22 permissible under this Code the Department shall determine and
23 declare the maximum weight of vehicles that the structures can
24 withstand, and shall cause or permit suitable signs stating
25 maximum weight to be erected and maintained before each end of
26 the structure. No person shall operate a vehicle or combination

1 of vehicles over any structure with a gross weight that is
2 greater than the posted maximum weight.

3 (g) Upon the trial of any person charged with a violation
4 of subsection (e) or (f) of this Section, proof of the
5 determination of the maximum allowable weight by the Department
6 and the existence of the signs, constitutes conclusive evidence
7 of the maximum weight that can be maintained with safety to the
8 bridge or structure.

9 (Source: P.A. 97-201, eff. 1-1-12; 98-409, eff. 1-1-14; 98-410,
10 eff. 8-16-13; revised 9-19-13.)

11 Section 680. The Snowmobile Registration and Safety Act is
12 amended by changing Section 1-2.06 as follows:

13 (625 ILCS 40/1-2.06) (from Ch. 95 1/2, par. 601-2.06)

14 Sec. 1-2.06. "Intoxicating Beverage" means any beverage
15 enumerated in the "Liquor Control Act of 1934".

16 (Source: P.A. 78-856; revised 9-23-13.)

17 Section 685. The Circuit Courts Act is amended by changing
18 Section 1 as follows:

19 (705 ILCS 35/1) (from Ch. 37, par. 72.1)

20 Sec. 1. Judicial circuits created. The county of Cook shall
21 be one judicial circuit and the State of Illinois, exclusive of
22 the county of Cook, shall be and is divided into judicial

1 circuits as follows:

2 First Circuit--The counties of Alexander, Pulaski, Massac,
3 Pope, Johnson, Union, Jackson, Williamson and Saline.

4 Second Circuit--The counties of Hardin, Gallatin, White,
5 Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson,
6 Richland, Lawrence and Crawford.

7 Third Circuit--The counties of Madison and Bond.

8 Fourth Circuit--The counties of Clinton, Marion, Clay,
9 Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.

10 Fifth Circuit--The counties of Vermilion, Edgar, Clark,
11 Cumberland and Coles.

12 Sixth Circuit--The counties of Champaign, Douglas,
13 Moultrie, Macon, DeWitt and Piatt.

14 Seventh Circuit--The counties of Sangamon, Macoupin,
15 Morgan, Scott, Greene and Jersey.

16 Eighth Circuit--The counties of Adams, Schuyler, Mason,
17 Cass, Brown, Pike, Calhoun and Menard.

18 Ninth Circuit--The counties of Knox, Warren, Henderson,
19 Hancock, McDonough and Fulton.

20 Tenth Circuit--The counties of Peoria, Marshall, Putnam,
21 Stark and Tazewell.

22 Eleventh Circuit--The counties of McLean, Livingston,
23 Logan, Ford and Woodford.

24 Twelfth Circuit--The county of Will.

25 Thirteenth Circuit--The counties of Bureau, LaSalle and
26 Grundy.

1 Fourteenth Circuit--The counties of Rock Island, Mercer,
2 Whiteside and Henry.

3 Fifteenth Circuit--The counties of Jo Daviess ~~Jo Daviess~~,
4 Stephenson, Carroll, Ogle and Lee.

5 Sixteenth Circuit--Before December 3, 2012, the counties
6 of Kane, DeKalb, and Kendall. On and after December 3, 2012,
7 the County of Kane.

8 Seventeenth Circuit--The counties of Winnebago and Boone.

9 Eighteenth Circuit--The county of DuPage.

10 Nineteenth Circuit--Before December 4, 2006, the counties
11 of Lake and McHenry. On and after December 4, 2006, the County
12 of Lake.

13 Twentieth Circuit--The counties of Randolph, Monroe, St.
14 Clair, Washington and Perry.

15 Twenty-first Circuit--The counties of Iroquois and
16 Kankakee.

17 Twenty-second Circuit--On and after December 4, 2006, the
18 County of McHenry.

19 Twenty-third Circuit--On and after December 3, 2012, the
20 counties of DeKalb and Kendall.

21 (Source: P.A. 97-585, eff. 8-26-11; revised 11-22-13.)

22 Section 690. The Juvenile Court Act of 1987 is amended by
23 changing Sections 1-7, 1-8, 2-10, 2-28, 3-12, 4-9, 5-105,
24 5-130, 5-401.5, 5-410, 5-901, 5-905, and 5-915 as follows:

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

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

3 (A) Inspection and copying of law enforcement records
4 maintained by law enforcement agencies that relate to a minor
5 who has been arrested or taken into custody before his or her
6 18th birthday shall be restricted to the following:

7 (1) Any local, State or federal law enforcement
8 officers of any jurisdiction or agency when necessary for
9 the discharge of their official duties during the
10 investigation or prosecution of a crime or relating to a
11 minor who has been adjudicated delinquent and there has
12 been a previous finding that the act which constitutes the
13 previous offense was committed in furtherance of criminal
14 activities by a criminal street gang, or, when necessary
15 for the discharge of its official duties in connection with
16 a particular investigation of the conduct of a law
17 enforcement officer, an independent agency or its staff
18 created by ordinance and charged by a unit of local
19 government with the duty of investigating the conduct of
20 law enforcement officers. For purposes of this Section,
21 "criminal street gang" has the meaning ascribed to it in
22 Section 10 of the Illinois Streetgang Terrorism Omnibus
23 Prevention Act.

24 (2) Prosecutors, probation officers, social workers,
25 or other individuals assigned by the court to conduct a
26 pre-adjudication or pre-disposition investigation, and

1 individuals responsible for supervising or providing
2 temporary or permanent care and custody for minors pursuant
3 to the order of the juvenile court, when essential to
4 performing their responsibilities.

5 (3) Prosecutors and probation officers:

6 (a) in the course of a trial when institution of
7 criminal proceedings has been permitted or required
8 under Section 5-805; or

9 (b) when institution of criminal proceedings has
10 been permitted or required under Section 5-805 and such
11 minor is the subject of a proceeding to determine the
12 amount of bail; or

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

18 (4) Adult and Juvenile Prisoner Review Board.

19 (5) Authorized military personnel.

20 (6) Persons engaged in bona fide research, with the
21 permission of the Presiding Judge of the Juvenile Court and
22 the chief executive of the respective law enforcement
23 agency; provided that publication of such research results
24 in no disclosure of a minor's identity and protects the
25 confidentiality of the minor's record.

26 (7) Department of Children and Family Services child

1 protection investigators acting in their official
2 capacity.

3 (8) The appropriate school official only if the agency
4 or officer believes that there is an imminent threat of
5 physical harm to students, school personnel, or others who
6 are present in the school or on school grounds.

7 (A) Inspection and copying shall be limited to law
8 enforcement records transmitted to the appropriate
9 school official or officials whom the school has
10 determined to have a legitimate educational or safety
11 interest by a local law enforcement agency under a
12 reciprocal reporting system established and maintained
13 between the school district and the local law
14 enforcement agency under Section 10-20.14 of the
15 School Code concerning a minor enrolled in a school
16 within the school district who has been arrested or
17 taken into custody for any of the following offenses:

18 (i) any violation of Article 24 of the Criminal
19 Code of 1961 or the Criminal Code of 2012;

20 (ii) a violation of the Illinois Controlled
21 Substances Act;

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

23 (iv) a forcible felony as defined in Section
24 2-8 of the Criminal Code of 1961 or the Criminal
25 Code of 2012;

26 (v) a violation of the Methamphetamine Control

1 and Community Protection Act;

2 (vi) a violation of Section 1-2 of the
3 Harassing and Obscene Communications Act;

4 (vii) a violation of the Hazing Act; or

5 (viii) a violation of Section 12-1, 12-2,
6 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
7 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
8 Criminal Code of 1961 or the Criminal Code of 2012.

9 The information derived from the law enforcement
10 records shall be kept separate from and shall not
11 become a part of the official school record of that
12 child and shall not be a public record. The information
13 shall be used solely by the appropriate school official
14 or officials whom the school has determined to have a
15 legitimate educational or safety interest to aid in the
16 proper rehabilitation of the child and to protect the
17 safety of students and employees in the school. If the
18 designated law enforcement and school officials deem
19 it to be in the best interest of the minor, the student
20 may be referred to in-school or community based social
21 services if those services are available.
22 "Rehabilitation services" may include interventions by
23 school support personnel, evaluation for eligibility
24 for special education, referrals to community-based
25 agencies such as youth services, behavioral healthcare
26 service providers, drug and alcohol prevention or

1 treatment programs, and other interventions as deemed
2 appropriate for the student.

3 (B) Any information provided to appropriate school
4 officials whom the school has determined to have a
5 legitimate educational or safety interest by local law
6 enforcement officials about a minor who is the subject
7 of a current police investigation that is directly
8 related to school safety shall consist of oral
9 information only, and not written law enforcement
10 records, and shall be used solely by the appropriate
11 school official or officials to protect the safety of
12 students and employees in the school and aid in the
13 proper rehabilitation of the child. The information
14 derived orally from the local law enforcement
15 officials shall be kept separate from and shall not
16 become a part of the official school record of the
17 child and shall not be a public record. This limitation
18 on the use of information about a minor who is the
19 subject of a current police investigation shall in no
20 way limit the use of this information by prosecutors in
21 pursuing criminal charges arising out of the
22 information disclosed during a police investigation of
23 the minor. For purposes of this paragraph,
24 "investigation" means an official systematic inquiry
25 by a law enforcement agency into actual or suspected
26 criminal activity.

1 (9) Mental health professionals on behalf of the
2 Illinois Department of Corrections or the Department of
3 Human Services or prosecutors who are evaluating,
4 prosecuting, or investigating a potential or actual
5 petition brought under the Sexually Violent Persons
6 Commitment Act relating to a person who is the subject of
7 juvenile law enforcement records or the respondent to a
8 petition brought under the Sexually Violent Persons
9 Commitment Act who is the subject of the juvenile law
10 enforcement records sought. Any records and any
11 information obtained from those records under this
12 paragraph (9) may be used only in sexually violent persons
13 commitment proceedings.

14 (10) The president of a park district. Inspection and
15 copying shall be limited to law enforcement records
16 transmitted to the president of the park district by the
17 Illinois State Police under Section 8-23 of the Park
18 District Code or Section 16a-5 of the Chicago Park District
19 Act concerning a person who is seeking employment with that
20 park district and who has been adjudicated a juvenile
21 delinquent for any of the offenses listed in subsection (c)
22 of Section 8-23 of the Park District Code or subsection (c)
23 of Section 16a-5 of the Chicago Park District Act.

24 (B) (1) Except as provided in paragraph (2), no law
25 enforcement officer or other person or agency may knowingly
26 transmit to the Department of Corrections or the Department

1 of State Police or to the Federal Bureau of Investigation
2 any fingerprint or photograph relating to a minor who has
3 been arrested or taken into custody before his or her 18th
4 birthday, unless the court in proceedings under this Act
5 authorizes the transmission or enters an order under
6 Section 5-805 permitting or requiring the institution of
7 criminal proceedings.

8 (2) Law enforcement officers or other persons or
9 agencies shall transmit to the Department of State Police
10 copies of fingerprints and descriptions of all minors who
11 have been arrested or taken into custody before their 18th
12 birthday for the offense of unlawful use of weapons under
13 Article 24 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, a Class X or Class 1 felony, a forcible
15 felony as defined in Section 2-8 of the Criminal Code of
16 1961 or the Criminal Code of 2012, or a Class 2 or greater
17 felony under the Cannabis Control Act, the Illinois
18 Controlled Substances Act, the Methamphetamine Control and
19 Community Protection Act, or Chapter 4 of the Illinois
20 Vehicle Code, pursuant to Section 5 of the Criminal
21 Identification Act. Information reported to the Department
22 pursuant to this Section may be maintained with records
23 that the Department files pursuant to Section 2.1 of the
24 Criminal Identification Act. Nothing in this Act prohibits
25 a law enforcement agency from fingerprinting a minor taken
26 into custody or arrested before his or her 18th birthday

1 for an offense other than those listed in this paragraph

2 (2).

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

18 (1) In cases where the law enforcement, or independent
19 agency, records concern a pending juvenile court case, the
20 party seeking to inspect the records shall provide actual
21 notice to the attorney or guardian ad litem of the minor
22 whose records are sought.

23 (2) In cases where the records concern a juvenile court
24 case that is no longer pending, the party seeking to
25 inspect the records shall provide actual notice to the
26 minor or the minor's parent or legal guardian, and the

1 matter shall be referred to the chief judge presiding over
2 matters pursuant to this Act.

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

14 (D) Nothing contained in subsection (C) of this Section
15 shall prohibit the inspection or disclosure to victims and
16 witnesses of photographs contained in the records of law
17 enforcement agencies when the inspection and disclosure is
18 conducted in the presence of a law enforcement officer for the
19 purpose of the identification or apprehension of any person
20 subject to the provisions of this Act or for the investigation
21 or prosecution of any crime.

22 (E) Law enforcement officers, and personnel of an
23 independent agency created by ordinance and charged by a unit
24 of local government with the duty of investigating the conduct
25 of law enforcement officers, may not disclose the identity of
26 any minor in releasing information to the general public as to

1 the arrest, investigation or disposition of any case involving
2 a minor.

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

13 (G) Nothing in this Section shall prohibit the right of a
14 Civil Service Commission or appointing authority of any state,
15 county or municipality examining the character and fitness of
16 an applicant for employment with a law enforcement agency,
17 correctional institution, or fire department from obtaining
18 and examining the records of any law enforcement agency
19 relating to any record of the applicant having been arrested or
20 taken into custody before the applicant's 18th birthday.

21 (H) The changes made to this Section by Public Act 98-61
22 ~~this amendatory Act of the 98th General Assembly~~ apply to law
23 enforcement records of a minor who has been arrested or taken
24 into custody on or after January 1, 2014 (the effective date of
25 Public Act 98-61) ~~this amendatory Act~~.

26 (Source: P.A. 97-700, eff. 6-22-12; 97-1083, eff. 8-24-12;

1 97-1104, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-61, eff.
2 1-1-14; revised 11-22-13.)

3 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)
4 Sec. 1-8. Confidentiality and accessibility of juvenile
5 court records.

6 (A) Inspection and copying of juvenile court records
7 relating to a minor who is the subject of a proceeding under
8 this Act shall be restricted to the following:

9 (1) The minor who is the subject of record, his
10 parents, guardian and counsel.

11 (2) Law enforcement officers and law enforcement
12 agencies when such information is essential to executing an
13 arrest or search warrant or other compulsory process, or to
14 conducting an ongoing investigation or relating to a minor
15 who has been adjudicated delinquent and there has been a
16 previous finding that the act which constitutes the
17 previous offense was committed in furtherance of criminal
18 activities by a criminal street gang.

19 Before July 1, 1994, for the purposes of this Section,
20 "criminal street gang" means any ongoing organization,
21 association, or group of 3 or more persons, whether formal
22 or informal, having as one of its primary activities the
23 commission of one or more criminal acts and that has a
24 common name or common identifying sign, symbol or specific
25 color apparel displayed, and whose members individually or

1 collectively engage in or have engaged in a pattern of
2 criminal activity.

3 Beginning July 1, 1994, for purposes of this Section,
4 "criminal street gang" has the meaning ascribed to it in
5 Section 10 of the Illinois Streetgang Terrorism Omnibus
6 Prevention Act.

7 (3) Judges, hearing officers, prosecutors, probation
8 officers, social workers or other individuals assigned by
9 the court to conduct a pre-adjudication or predisposition
10 investigation, and individuals responsible for supervising
11 or providing temporary or permanent care and custody for
12 minors pursuant to the order of the juvenile court when
13 essential to performing their responsibilities.

14 (4) Judges, prosecutors and probation officers:

15 (a) in the course of a trial when institution of
16 criminal proceedings has been permitted or required
17 under Section 5-805; or

18 (b) when criminal proceedings have been permitted
19 or required under Section 5-805 and a minor is the
20 subject of a proceeding to determine the amount of
21 bail; or

22 (c) when criminal proceedings have been permitted
23 or required under Section 5-805 and a minor is the
24 subject of a pre-trial investigation, pre-sentence
25 investigation or fitness hearing, or proceedings on an
26 application for probation; or

1 (d) when a minor becomes 18 years of age or older,
2 and is the subject of criminal proceedings, including a
3 hearing to determine the amount of bail, a pre-trial
4 investigation, a pre-sentence investigation, a fitness
5 hearing, or proceedings on an application for
6 probation.

7 (5) Adult and Juvenile Prisoner Review Boards.

8 (6) Authorized military personnel.

9 (7) Victims, their subrogees and legal
10 representatives; however, such persons shall have access
11 only to the name and address of the minor and information
12 pertaining to the disposition or alternative adjustment
13 plan of the juvenile court.

14 (8) Persons engaged in bona fide research, with the
15 permission of the presiding judge of the juvenile court and
16 the chief executive of the agency that prepared the
17 particular records; provided that publication of such
18 research results in no disclosure of a minor's identity and
19 protects the confidentiality of the record.

20 (9) The Secretary of State to whom the Clerk of the
21 Court shall report the disposition of all cases, as
22 required in Section 6-204 of the Illinois Vehicle Code.
23 However, information reported relative to these offenses
24 shall be privileged and available only to the Secretary of
25 State, courts, and police officers.

26 (10) The administrator of a bonafide substance abuse

1 student assistance program with the permission of the
2 presiding judge of the juvenile court.

3 (11) Mental health professionals on behalf of the
4 Illinois Department of Corrections or the Department of
5 Human Services or prosecutors who are evaluating,
6 prosecuting, or investigating a potential or actual
7 petition brought under the Sexually Violent Persons
8 Commitment Act relating to a person who is the subject of
9 juvenile court records or the respondent to a petition
10 brought under the Sexually Violent Persons Commitment Act,
11 who is the subject of juvenile court records sought. Any
12 records and any information obtained from those records
13 under this paragraph (11) may be used only in sexually
14 violent persons commitment proceedings.

15 (A-1) Findings and exclusions of paternity entered in
16 proceedings occurring under Article II of this Act shall be
17 disclosed, in a manner and form approved by the Presiding Judge
18 of the Juvenile Court, to the Department of Healthcare and
19 Family Services when necessary to discharge the duties of the
20 Department of Healthcare and Family Services under Article X of
21 the Illinois Public Aid Code.

22 (B) A minor who is the victim in a juvenile proceeding
23 shall be provided the same confidentiality regarding
24 disclosure of identity as the minor who is the subject of
25 record.

26 (C) Except as otherwise provided in this subsection (C),

1 juvenile court records shall not be made available to the
2 general public. Subject to the limitations in paragraphs (0.1)
3 through (0.4) of this subsection (C), the judge presiding over
4 a juvenile court proceeding brought under this Act, in his or
5 her discretion, may order that juvenile court records of an
6 individual case be made available for inspection upon request
7 by a representative of an agency, association, or news media
8 entity or by a properly interested person. For purposes of
9 inspecting documents under this subsection (C), a civil
10 subpoena is not an order of the court.

11 (0.1) In cases where the records concern a pending
12 juvenile court case, the requesting party seeking to
13 inspect the juvenile court records shall provide actual
14 notice to the attorney or guardian ad litem of the minor
15 whose records are sought.

16 (0.2) In cases where the records concern a juvenile
17 court case that is no longer pending, the requesting party
18 seeking to inspect the juvenile court records shall provide
19 actual notice to the minor or the minor's parent or legal
20 guardian, and the matter shall be referred to the chief
21 judge presiding over matters pursuant to this Act.

22 (0.3) In determining whether records should be made
23 available for inspection and whether inspection should be
24 limited to certain parts of the file, the court shall
25 consider the minor's interest in confidentiality and
26 rehabilitation over the requesting party's interest in

1 obtaining the information. The State's Attorney, the
2 minor, and the minor's parents, guardian, and counsel shall
3 at all times have the right to examine court files and
4 records.

5 (0.4) Any records obtained in violation of this
6 subsection (C) shall not be admissible in any criminal or
7 civil proceeding, or operate to disqualify a minor from
8 subsequently holding public office, or operate as a
9 forfeiture of any public benefit, right, privilege, or
10 right to receive any license granted by public authority.

11 (1) The court shall allow the general public to have
12 access to the name, address, and offense of a minor who is
13 adjudicated a delinquent minor under this Act under either
14 of the following circumstances:

15 (A) The adjudication of delinquency was based upon
16 the minor's commission of first degree murder, attempt
17 to commit first degree murder, aggravated criminal
18 sexual assault, or criminal sexual assault; or

19 (B) The court has made a finding that the minor was
20 at least 13 years of age at the time the act was
21 committed and the adjudication of delinquency was
22 based upon the minor's commission of: (i) an act in
23 furtherance of the commission of a felony as a member
24 of or on behalf of a criminal street gang, (ii) an act
25 involving the use of a firearm in the commission of a
26 felony, (iii) an act that would be a Class X felony

1 offense under or the minor's second or subsequent Class
2 2 or greater felony offense under the Cannabis Control
3 Act if committed by an adult, (iv) an act that would be
4 a second or subsequent offense under Section 402 of the
5 Illinois Controlled Substances Act if committed by an
6 adult, (v) an act that would be an offense under
7 Section 401 of the Illinois Controlled Substances Act
8 if committed by an adult, (vi) an act that would be a
9 second or subsequent offense under Section 60 of the
10 Methamphetamine Control and Community Protection Act,
11 or (vii) an act that would be an offense under another
12 Section of the Methamphetamine Control and Community
13 Protection Act.

14 (2) The court shall allow the general public to have
15 access to the name, address, and offense of a minor who is
16 at least 13 years of age at the time the offense is
17 committed and who is convicted, in criminal proceedings
18 permitted or required under Section 5-4, under either of
19 the following circumstances:

20 (A) The minor has been convicted of first degree
21 murder, attempt to commit first degree murder,
22 aggravated criminal sexual assault, or criminal sexual
23 assault,

24 (B) The court has made a finding that the minor was
25 at least 13 years of age at the time the offense was
26 committed and the conviction was based upon the minor's

1 commission of: (i) an offense in furtherance of the
2 commission of a felony as a member of or on behalf of a
3 criminal street gang, (ii) an offense involving the use
4 of a firearm in the commission of a felony, (iii) a
5 Class X felony offense under or a second or subsequent
6 Class 2 or greater felony offense under the Cannabis
7 Control Act, (iv) a second or subsequent offense under
8 Section 402 of the Illinois Controlled Substances Act,
9 (v) an offense under Section 401 of the Illinois
10 Controlled Substances Act, (vi) an act that would be a
11 second or subsequent offense under Section 60 of the
12 Methamphetamine Control and Community Protection Act,
13 or (vii) an act that would be an offense under another
14 Section of the Methamphetamine Control and Community
15 Protection Act.

16 (D) Pending or following any adjudication of delinquency
17 for any offense defined in Sections 11-1.20 through 11-1.60 or
18 12-13 through 12-16 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, the victim of any such offense shall
20 receive the rights set out in Sections 4 and 6 of the Bill of
21 Rights for Victims and Witnesses of Violent Crime Act; and the
22 juvenile who is the subject of the adjudication,
23 notwithstanding any other provision of this Act, shall be
24 treated as an adult for the purpose of affording such rights to
25 the victim.

26 (E) Nothing in this Section shall affect the right of a

1 Civil Service Commission or appointing authority of any state,
2 county or municipality examining the character and fitness of
3 an applicant for employment with a law enforcement agency,
4 correctional institution, or fire department to ascertain
5 whether that applicant was ever adjudicated to be a delinquent
6 minor and, if so, to examine the records of disposition or
7 evidence which were made in proceedings under this Act.

8 (F) Following any adjudication of delinquency for a crime
9 which would be a felony if committed by an adult, or following
10 any adjudication of delinquency for a violation of Section
11 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, the State's Attorney shall ascertain
13 whether the minor respondent is enrolled in school and, if so,
14 shall provide a copy of the dispositional order to the
15 principal or chief administrative officer of the school. Access
16 to such juvenile records shall be limited to the principal or
17 chief administrative officer of the school and any guidance
18 counselor designated by him.

19 (G) Nothing contained in this Act prevents the sharing or
20 disclosure of information or records relating or pertaining to
21 juveniles subject to the provisions of the Serious Habitual
22 Offender Comprehensive Action Program when that information is
23 used to assist in the early identification and treatment of
24 habitual juvenile offenders.

25 (H) When a Court hearing a proceeding under Article II of
26 this Act becomes aware that an earlier proceeding under Article

1 II had been heard in a different county, that Court shall
2 request, and the Court in which the earlier proceedings were
3 initiated shall transmit, an authenticated copy of the Court
4 record, including all documents, petitions, and orders filed
5 therein and the minute orders, transcript of proceedings, and
6 docket entries of the Court.

7 (I) The Clerk of the Circuit Court shall report to the
8 Department of State Police, in the form and manner required by
9 the Department of State Police, the final disposition of each
10 minor who has been arrested or taken into custody before his or
11 her 18th birthday for those offenses required to be reported
12 under Section 5 of the Criminal Identification Act. Information
13 reported to the Department under this Section may be maintained
14 with records that the Department files under Section 2.1 of the
15 Criminal Identification Act.

16 (J) The changes made to this Section by Public Act 98-61
17 ~~this amendatory Act of the 98th General Assembly~~ apply to law
18 enforcement records of a minor who has been arrested or taken
19 into custody on or after January 1, 2014 (the effective date of
20 Public Act 98-61) ~~this amendatory Act~~.

21 (Source: P.A. 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13;
22 98-61, eff. 1-1-14; 98-552, eff. 8-27-13; revised 1-17-14.)

23 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

24 Sec. 2-10. Temporary custody hearing. At the appearance of
25 the minor before the court at the temporary custody hearing,

1 all witnesses present shall be examined before the court in
2 relation to any matter connected with the allegations made in
3 the petition.

4 (1) If the court finds that there is not probable cause to
5 believe that the minor is abused, neglected or dependent it
6 shall release the minor and dismiss the petition.

7 (2) If the court finds that there is probable cause to
8 believe that the minor is abused, neglected or dependent, the
9 court shall state in writing the factual basis supporting its
10 finding and the minor, his or her parent, guardian, custodian
11 and other persons able to give relevant testimony shall be
12 examined before the court. The Department of Children and
13 Family Services shall give testimony concerning indicated
14 reports of abuse and neglect, of which they are aware of
15 through the central registry, involving the minor's parent,
16 guardian or custodian. After such testimony, the court may,
17 consistent with the health, safety and best interests of the
18 minor, enter an order that the minor shall be released upon the
19 request of parent, guardian or custodian if the parent,
20 guardian or custodian appears to take custody. If it is
21 determined that a parent's, guardian's, or custodian's
22 compliance with critical services mitigates the necessity for
23 removal of the minor from his or her home, the court may enter
24 an Order of Protection setting forth reasonable conditions of
25 behavior that a parent, guardian, or custodian must observe for
26 a specified period of time, not to exceed 12 months, without a

1 violation; provided, however, that the 12-month period shall
2 begin anew after any violation. Custodian shall include any
3 agency of the State which has been given custody or wardship of
4 the child. If it is consistent with the health, safety and best
5 interests of the minor, the court may also prescribe shelter
6 care and order that the minor be kept in a suitable place
7 designated by the court or in a shelter care facility
8 designated by the Department of Children and Family Services or
9 a licensed child welfare agency; however, a minor charged with
10 a criminal offense under the Criminal Code of 1961 or the
11 Criminal Code of 2012 or adjudicated delinquent shall not be
12 placed in the custody of or committed to the Department of
13 Children and Family Services by any court, except a minor less
14 than 15 years of age and committed to the Department of
15 Children and Family Services under Section 5-710 of this Act or
16 a minor for whom an independent basis of abuse, neglect, or
17 dependency exists. An independent basis exists when the
18 allegations or adjudication of abuse, neglect, or dependency do
19 not arise from the same facts, incident, or circumstances which
20 give rise to a charge or adjudication of delinquency.

21 In placing the minor, the Department or other agency shall,
22 to the extent compatible with the court's order, comply with
23 Section 7 of the Children and Family Services Act. In
24 determining the health, safety and best interests of the minor
25 to prescribe shelter care, the court must find that it is a
26 matter of immediate and urgent necessity for the safety and

1 protection of the minor or of the person or property of another
2 that the minor be placed in a shelter care facility or that he
3 or she is likely to flee the jurisdiction of the court, and
4 must further find that reasonable efforts have been made or
5 that, consistent with the health, safety and best interests of
6 the minor, no efforts reasonably can be made to prevent or
7 eliminate the necessity of removal of the minor from his or her
8 home. The court shall require documentation from the Department
9 of Children and Family Services as to the reasonable efforts
10 that were made to prevent or eliminate the necessity of removal
11 of the minor from his or her home or the reasons why no efforts
12 reasonably could be made to prevent or eliminate the necessity
13 of removal. When a minor is placed in the home of a relative,
14 the Department of Children and Family Services shall complete a
15 preliminary background review of the members of the minor's
16 custodian's household in accordance with Section 4.3 of the
17 Child Care Act of 1969 within 90 days of that placement. If the
18 minor is ordered placed in a shelter care facility of the
19 Department of Children and Family Services or a licensed child
20 welfare agency, the court shall, upon request of the
21 appropriate Department or other agency, appoint the Department
22 of Children and Family Services Guardianship Administrator or
23 other appropriate agency executive temporary custodian of the
24 minor and the court may enter such other orders related to the
25 temporary custody as it deems fit and proper, including the
26 provision of services to the minor or his family to ameliorate

1 the causes contributing to the finding of probable cause or to
2 the finding of the existence of immediate and urgent necessity.

3 Where the Department of Children and Family Services
4 Guardianship Administrator is appointed as the executive
5 temporary custodian, the Department of Children and Family
6 Services shall file with the court and serve on the parties a
7 parent-child visiting plan, within 10 days, excluding weekends
8 and holidays, after the appointment. The parent-child visiting
9 plan shall set out the time and place of visits, the frequency
10 of visits, the length of visits, who shall be present at the
11 visits, and where appropriate, the minor's opportunities to
12 have telephone and mail communication with the parents.

13 Where the Department of Children and Family Services
14 Guardianship Administrator is appointed as the executive
15 temporary custodian, and when the child has siblings in care,
16 the Department of Children and Family Services shall file with
17 the court and serve on the parties a sibling placement and
18 contact plan within 10 days, excluding weekends and holidays,
19 after the appointment. The sibling placement and contact plan
20 shall set forth whether the siblings are placed together, and
21 if they are not placed together, what, if any, efforts are
22 being made to place them together. If the Department has
23 determined that it is not in a child's best interest to be
24 placed with a sibling, the Department shall document in the
25 sibling placement and contact plan the basis for its
26 determination. For siblings placed separately, the sibling

1 placement and contact plan shall set the time and place for
2 visits, the frequency of the visits, the length of visits, who
3 shall be present for the visits, and where appropriate, the
4 child's opportunities to have contact with their siblings in
5 addition to in person contact. If the Department determines it
6 is not in the best interest of a sibling to have contact with a
7 sibling, the Department shall document in the sibling placement
8 and contact plan the basis for its determination. The sibling
9 placement and contact plan shall specify a date for development
10 of the Sibling Contact Support Plan, under subsection (f) of
11 Section 7.4 of the Children and Family Services Act, and shall
12 remain in effect until the Sibling Contact Support Plan is
13 developed.

14 For good cause, the court may waive the requirement to
15 file the parent-child visiting plan or the sibling placement
16 and contact plan, or extend the time for filing either plan.
17 Any party may, by motion, request the court to review the
18 parent-child visiting plan to determine whether it is
19 reasonably calculated to expeditiously facilitate the
20 achievement of the permanency goal. A party may, by motion,
21 request the court to review the parent-child visiting plan or
22 the sibling placement and contact plan to determine whether it
23 is consistent with the minor's best interest. The court may
24 refer the parties to mediation where available. The frequency,
25 duration, and locations of visitation shall be measured by the
26 needs of the child and family, and not by the convenience of

1 Department personnel. Child development principles shall be
2 considered by the court in its analysis of how frequent
3 visitation should be, how long it should last, where it should
4 take place, and who should be present. If upon motion of the
5 party to review either plan and after receiving evidence, the
6 court determines that the parent-child visiting plan is not
7 reasonably calculated to expeditiously facilitate the
8 achievement of the permanency goal or that the restrictions
9 placed on parent-child contact or sibling placement or contact
10 are contrary to the child's best interests, the court shall put
11 in writing the factual basis supporting the determination and
12 enter specific findings based on the evidence. The court shall
13 enter an order for the Department to implement changes to the
14 parent-child visiting plan or sibling placement or contact
15 plan, consistent with the court's findings. At any stage of
16 proceeding, any party may by motion request the court to enter
17 any orders necessary to implement the parent-child visiting
18 plan, sibling placement or contact plan or subsequently
19 developed Sibling Contact Support Plan. Nothing under this
20 subsection (2) shall restrict the court from granting
21 discretionary authority to the Department to increase
22 opportunities for additional parent-child contacts or sibling
23 contacts, without further court orders. Nothing in this
24 subsection (2) shall restrict the Department from immediately
25 restricting or terminating parent-child contact or sibling
26 contacts, without either amending the parent-child visiting

1 plan or the sibling contact plan or obtaining a court order,
2 where the Department or its assigns reasonably believe that
3 continuation of the contact, as set out in the plan, would be
4 contrary to the child's health, safety, and welfare. The
5 Department shall file with the court and serve on the parties
6 any amendments to the plan within 10 days, excluding weekends
7 and holidays, of the change of the visitation.

8 Acceptance of services shall not be considered an admission
9 of any allegation in a petition made pursuant to this Act, nor
10 may a referral of services be considered as evidence in any
11 proceeding pursuant to this Act, except where the issue is
12 whether the Department has made reasonable efforts to reunite
13 the family. In making its findings that it is consistent with
14 the health, safety and best interests of the minor to prescribe
15 shelter care, the court shall state in writing (i) the factual
16 basis supporting its findings concerning the immediate and
17 urgent necessity for the protection of the minor or of the
18 person or property of another and (ii) the factual basis
19 supporting its findings that reasonable efforts were made to
20 prevent or eliminate the removal of the minor from his or her
21 home or that no efforts reasonably could be made to prevent or
22 eliminate the removal of the minor from his or her home. The
23 parents, guardian, custodian, temporary custodian and minor
24 shall each be furnished a copy of such written findings. The
25 temporary custodian shall maintain a copy of the court order
26 and written findings in the case record for the child. The

1 order together with the court's findings of fact in support
2 thereof shall be entered of record in the court.

3 Once the court finds that it is a matter of immediate and
4 urgent necessity for the protection of the minor that the minor
5 be placed in a shelter care facility, the minor shall not be
6 returned to the parent, custodian or guardian until the court
7 finds that such placement is no longer necessary for the
8 protection of the minor.

9 If the child is placed in the temporary custody of the
10 Department of Children and Family Services for his or her
11 protection, the court shall admonish the parents, guardian,
12 custodian or responsible relative that the parents must
13 cooperate with the Department of Children and Family Services,
14 comply with the terms of the service plans, and correct the
15 conditions which require the child to be in care, or risk
16 termination of their parental rights.

17 (3) If prior to the shelter care hearing for a minor
18 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
19 unable to serve notice on the party respondent, the shelter
20 care hearing may proceed ex-parte. A shelter care order from an
21 ex-parte hearing shall be endorsed with the date and hour of
22 issuance and shall be filed with the clerk's office and entered
23 of record. The order shall expire after 10 days from the time
24 it is issued unless before its expiration it is renewed, at a
25 hearing upon appearance of the party respondent, or upon an
26 affidavit of the moving party as to all diligent efforts to

1 notify the party respondent by notice as herein prescribed. The
 2 notice prescribed shall be in writing and shall be personally
 3 delivered to the minor or the minor's attorney and to the last
 4 known address of the other person or persons entitled to
 5 notice. The notice shall also state the nature of the
 6 allegations, the nature of the order sought by the State,
 7 including whether temporary custody is sought, and the
 8 consequences of failure to appear and shall contain a notice
 9 that the parties will not be entitled to further written
 10 notices or publication notices of proceedings in this case,
 11 including the filing of an amended petition or a motion to
 12 terminate parental rights, except as required by Supreme Court
 13 Rule 11; and shall explain the right of the parties and the
 14 procedures to vacate or modify a shelter care order as provided
 15 in this Section. The notice for a shelter care hearing shall be
 16 substantially as follows:

17 NOTICE TO PARENTS AND CHILDREN
 18 OF SHELTER CARE HEARING

19 On at, before the Honorable
 20, (address:), the State
 21 of Illinois will present evidence (1) that (name of child
 22 or children) are abused, neglected
 23 or dependent for the following reasons:
 24 and (2)
 25 whether there is "immediate and urgent necessity" to remove
 26 the child or children from the responsible relative.

1 TO REHEARING ON TEMPORARY CUSTODY

2 If you were not present at and did not have adequate
3 notice of the Shelter Care Hearing at which temporary
4 custody of was awarded to
5, you have the right to request a full
6 rehearing on whether the State should have temporary
7 custody of To request this rehearing,
8 you must file with the Clerk of the Juvenile Court
9 (address):, in person or by
10 mailing a statement (affidavit) setting forth the
11 following:

- 12 1. That you were not present at the shelter care
- 13 hearing.
- 14 2. That you did not get adequate notice (explaining
- 15 how the notice was inadequate).
- 16 3. Your signature.
- 17 4. Signature must be notarized.

18 The rehearing should be scheduled within 48 hours of
19 your filing this affidavit.

20 At the rehearing, your rights are the same as at the
21 initial shelter care hearing. The enclosed notice explains
22 those rights.

23 At the Shelter Care Hearing, children have the
24 following rights:

- 25 1. To have a guardian ad litem appointed.
- 26 2. To be declared competent as a witness and to

1 present testimony concerning:

2 a. Whether they are abused, neglected or
3 dependent.

4 b. Whether there is "immediate and urgent
5 necessity" to be removed from home.

6 c. Their best interests.

7 3. To cross examine witnesses for other parties.

8 4. To obtain an explanation of any proceedings and
9 orders of the court.

10 (4) If the parent, guardian, legal custodian, responsible
11 relative, minor age 8 or over, or counsel of the minor did not
12 have actual notice of or was not present at the shelter care
13 hearing, he or she may file an affidavit setting forth these
14 facts, and the clerk shall set the matter for rehearing not
15 later than 48 hours, excluding Sundays and legal holidays,
16 after the filing of the affidavit. At the rehearing, the court
17 shall proceed in the same manner as upon the original hearing.

18 (5) Only when there is reasonable cause to believe that the
19 minor taken into custody is a person described in subsection
20 (3) of Section 5-105 may the minor be kept or detained in a
21 detention home or county or municipal jail. This Section shall
22 in no way be construed to limit subsection (6).

23 (6) No minor under 16 years of age may be confined in a
24 jail or place ordinarily used for the confinement of prisoners
25 in a police station. Minors under 18 years of age must be kept
26 separate from confined adults and may not at any time be kept

1 in the same cell, room, or yard with adults confined pursuant
2 to the criminal law.

3 (7) If the minor is not brought before a judicial officer
4 within the time period as specified in Section 2-9, the minor
5 must immediately be released from custody.

6 (8) If neither the parent, guardian or custodian appears
7 within 24 hours to take custody of a minor released upon
8 request pursuant to subsection (2) of this Section, then the
9 clerk of the court shall set the matter for rehearing not later
10 than 7 days after the original order and shall issue a summons
11 directed to the parent, guardian or custodian to appear. At the
12 same time the probation department shall prepare a report on
13 the minor. If a parent, guardian or custodian does not appear
14 at such rehearing, the judge may enter an order prescribing
15 that the minor be kept in a suitable place designated by the
16 Department of Children and Family Services or a licensed child
17 welfare agency.

18 (9) Notwithstanding any other provision of this Section any
19 interested party, including the State, the temporary
20 custodian, an agency providing services to the minor or family
21 under a service plan pursuant to Section 8.2 of the Abused and
22 Neglected Child Reporting Act, foster parent, or any of their
23 representatives, on notice to all parties entitled to notice,
24 may file a motion that it is in the best interests of the minor
25 to modify or vacate a temporary custody order on any of the
26 following grounds:

1 (a) It is no longer a matter of immediate and urgent
2 necessity that the minor remain in shelter care; or

3 (b) There is a material change in the circumstances of
4 the natural family from which the minor was removed and the
5 child can be cared for at home without endangering the
6 child's health or safety; or

7 (c) A person not a party to the alleged abuse, neglect
8 or dependency, including a parent, relative or legal
9 guardian, is capable of assuming temporary custody of the
10 minor; or

11 (d) Services provided by the Department of Children and
12 Family Services or a child welfare agency or other service
13 provider have been successful in eliminating the need for
14 temporary custody and the child can be cared for at home
15 without endangering the child's health or safety.

16 In ruling on the motion, the court shall determine whether
17 it is consistent with the health, safety and best interests of
18 the minor to modify or vacate a temporary custody order.

19 The clerk shall set the matter for hearing not later than
20 14 days after such motion is filed. In the event that the court
21 modifies or vacates a temporary custody order but does not
22 vacate its finding of probable cause, the court may order that
23 appropriate services be continued or initiated in behalf of the
24 minor and his or her family.

25 (10) When the court finds or has found that there is
26 probable cause to believe a minor is an abused minor as

1 described in subsection (2) of Section 2-3 and that there is an
2 immediate and urgent necessity for the abused minor to be
3 placed in shelter care, immediate and urgent necessity shall be
4 presumed for any other minor residing in the same household as
5 the abused minor provided:

6 (a) Such other minor is the subject of an abuse or
7 neglect petition pending before the court; and

8 (b) A party to the petition is seeking shelter care for
9 such other minor.

10 Once the presumption of immediate and urgent necessity has
11 been raised, the burden of demonstrating the lack of immediate
12 and urgent necessity shall be on any party that is opposing
13 shelter care for the other minor.

14 (11) The changes made to this Section by Public Act 98-61
15 ~~this amendatory Act of the 98th General Assembly~~ apply to a
16 minor who has been arrested or taken into custody on or after
17 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~
18 ~~amendatory Act.~~

19 (Source: P.A. 97-1076, eff. 8-24-12; 97-1150, eff. 1-25-13;
20 98-61, eff. 1-1-14; revised 11-22-13.)

21 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

22 Sec. 2-28. Court review.

23 (1) The court may require any legal custodian or guardian
24 of the person appointed under this Act to report periodically
25 to the court or may cite him into court and require him or his

1 agency, to make a full and accurate report of his or its doings
2 in behalf of the minor. The custodian or guardian, within 10
3 days after such citation, shall make the report, either in
4 writing verified by affidavit or orally under oath in open
5 court, or otherwise as the court directs. Upon the hearing of
6 the report the court may remove the custodian or guardian and
7 appoint another in his stead or restore the minor to the
8 custody of his parents or former guardian or custodian.
9 However, custody of the minor shall not be restored to any
10 parent, guardian or legal custodian in any case in which the
11 minor is found to be neglected or abused under Section 2-3 or
12 dependent under Section 2-4 of this Act, unless the minor can
13 be cared for at home without endangering the minor's health or
14 safety and it is in the best interests of the minor, and if
15 such neglect, abuse, or dependency is found by the court under
16 paragraph (1) of Section 2-21 of this Act to have come about
17 due to the acts or omissions or both of such parent, guardian
18 or legal custodian, until such time as an investigation is made
19 as provided in paragraph (5) and a hearing is held on the issue
20 of the fitness of such parent, guardian or legal custodian to
21 care for the minor and the court enters an order that such
22 parent, guardian or legal custodian is fit to care for the
23 minor.

24 (2) The first permanency hearing shall be conducted by the
25 judge. Subsequent permanency hearings may be heard by a judge
26 or by hearing officers appointed or approved by the court in

1 the manner set forth in Section 2-28.1 of this Act. The initial
2 hearing shall be held (a) within 12 months from the date
3 temporary custody was taken, regardless of whether an
4 adjudication or dispositional hearing has been completed
5 within that time frame, (b) if the parental rights of both
6 parents have been terminated in accordance with the procedure
7 described in subsection (5) of Section 2-21, within 30 days of
8 the order for termination of parental rights and appointment of
9 a guardian with power to consent to adoption, or (c) in
10 accordance with subsection (2) of Section 2-13.1. Subsequent
11 permanency hearings shall be held every 6 months or more
12 frequently if necessary in the court's determination following
13 the initial permanency hearing, in accordance with the
14 standards set forth in this Section, until the court determines
15 that the plan and goal have been achieved. Once the plan and
16 goal have been achieved, if the minor remains in substitute
17 care, the case shall be reviewed at least every 6 months
18 thereafter, subject to the provisions of this Section, unless
19 the minor is placed in the guardianship of a suitable relative
20 or other person and the court determines that further
21 monitoring by the court does not further the health, safety or
22 best interest of the child and that this is a stable permanent
23 placement. The permanency hearings must occur within the time
24 frames set forth in this subsection and may not be delayed in
25 anticipation of a report from any source or due to the agency's
26 failure to timely file its written report (this written report

1 means the one required under the next paragraph and does not
2 mean the service plan also referred to in that paragraph).

3 The public agency that is the custodian or guardian of the
4 minor, or another agency responsible for the minor's care,
5 shall ensure that all parties to the permanency hearings are
6 provided a copy of the most recent service plan prepared within
7 the prior 6 months at least 14 days in advance of the hearing.
8 If not contained in the plan, the agency shall also include a
9 report setting forth (i) any special physical, psychological,
10 educational, medical, emotional, or other needs of the minor or
11 his or her family that are relevant to a permanency or
12 placement determination and (ii) for any minor age 16 or over,
13 a written description of the programs and services that will
14 enable the minor to prepare for independent living. The
15 agency's written report must detail what progress or lack of
16 progress the parent has made in correcting the conditions
17 requiring the child to be in care; whether the child can be
18 returned home without jeopardizing the child's health, safety,
19 and welfare, and if not, what permanency goal is recommended to
20 be in the best interests of the child, and why the other
21 permanency goals are not appropriate. The caseworker must
22 appear and testify at the permanency hearing. If a permanency
23 hearing has not previously been scheduled by the court, the
24 moving party shall move for the setting of a permanency hearing
25 and the entry of an order within the time frames set forth in
26 this subsection.

1 At the permanency hearing, the court shall determine the
2 future status of the child. The court shall set one of the
3 following permanency goals:

4 (A) The minor will be returned home by a specific date
5 within 5 months.

6 (B) The minor will be in short-term care with a
7 continued goal to return home within a period not to exceed
8 one year, where the progress of the parent or parents is
9 substantial giving particular consideration to the age and
10 individual needs of the minor.

11 (B-1) The minor will be in short-term care with a
12 continued goal to return home pending a status hearing.
13 When the court finds that a parent has not made reasonable
14 efforts or reasonable progress to date, the court shall
15 identify what actions the parent and the Department must
16 take in order to justify a finding of reasonable efforts or
17 reasonable progress and shall set a status hearing to be
18 held not earlier than 9 months from the date of
19 adjudication nor later than 11 months from the date of
20 adjudication during which the parent's progress will again
21 be reviewed.

22 (C) The minor will be in substitute care pending court
23 determination on termination of parental rights.

24 (D) Adoption, provided that parental rights have been
25 terminated or relinquished.

26 (E) The guardianship of the minor will be transferred

1 to an individual or couple on a permanent basis provided
2 that goals (A) through (D) have been ruled out.

3 (F) The minor over age 15 will be in substitute care
4 pending independence.

5 (G) The minor will be in substitute care because he or
6 she cannot be provided for in a home environment due to
7 developmental disabilities or mental illness or because he
8 or she is a danger to self or others, provided that goals
9 (A) through (D) have been ruled out.

10 In selecting any permanency goal, the court shall indicate
11 in writing the reasons the goal was selected and why the
12 preceding goals were ruled out. Where the court has selected a
13 permanency goal other than (A), (B), or (B-1), the Department
14 of Children and Family Services shall not provide further
15 reunification services, 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 foster
19 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 ruled out all other permanency
23 goals based on the child's best interest;

24 (3) The court has found compelling reasons, based
25 on written documentation reviewed by the court, to
26 place the minor in continuing foster care. Compelling

1 reasons include:

2 (a) the child does not wish to be adopted or to
3 be placed in the guardianship of his or her
4 relative or foster care placement;

5 (b) the child exhibits an extreme level of need
6 such that the removal of the child from his or her
7 placement would be detrimental to the child; or

8 (c) the child who is the subject of the
9 permanency hearing has existing close and strong
10 bonds with a sibling, and achievement of another
11 permanency goal would substantially interfere with
12 the subject child's sibling relationship, taking
13 into consideration the nature and extent of the
14 relationship, and whether ongoing contact is in
15 the subject child's best interest, including
16 long-term emotional interest, as compared with the
17 legal and emotional benefit of permanence;

18 (4) The child has lived with the relative or foster
19 parent for at least one year; and

20 (5) The relative or foster parent currently caring
21 for the child is willing and capable of providing the
22 child with a stable and permanent environment.

23 The court shall set a permanency goal that is in the best
24 interest of the child. In determining that goal, the court
25 shall consult with the minor in an age-appropriate manner
26 regarding the proposed permanency or transition plan for the

1 minor. The court's determination shall include the following
2 factors:

3 (1) Age of the child.

4 (2) Options available for permanence, including both
5 out-of-State and in-State placement options.

6 (3) Current placement of the child and the intent of
7 the family regarding adoption.

8 (4) Emotional, physical, and mental status or
9 condition of the child.

10 (5) Types of services previously offered and whether or
11 not the services were successful and, if not successful,
12 the reasons the services failed.

13 (6) Availability of services currently needed and
14 whether the services exist.

15 (7) Status of siblings of the minor.

16 The court shall consider (i) the permanency goal contained
17 in the service plan, (ii) the appropriateness of the services
18 contained in the plan and whether those services have been
19 provided, (iii) whether reasonable efforts have been made by
20 all the parties to the service plan to achieve the goal, and
21 (iv) whether the plan and goal have been achieved. All evidence
22 relevant to determining these questions, including oral and
23 written reports, may be admitted and may be relied on to the
24 extent of their probative value.

25 The court shall make findings as to whether, in violation
26 of Section 8.2 of the Abused and Neglected Child Reporting Act,

1 any portion of the service plan compels a child or parent to
2 engage in any activity or refrain from any activity that is not
3 reasonably related to remedying a condition or conditions that
4 gave rise or which could give rise to any finding of child
5 abuse or neglect. The services contained in the service plan
6 shall include services reasonably related to remedy the
7 conditions that gave rise to removal of the child from the home
8 of his or her parents, guardian, or legal custodian or that the
9 court has found must be remedied prior to returning the child
10 home. Any tasks the court requires of the parents, guardian, or
11 legal custodian or child prior to returning the child home,
12 must be reasonably related to remedying a condition or
13 conditions that gave rise to or which could give rise to any
14 finding of child abuse or neglect.

15 If the permanency goal is to return home, the court shall
16 make findings that identify any problems that are causing
17 continued placement of the children away from the home and
18 identify what outcomes would be considered a resolution to
19 these problems. The court shall explain to the parents that
20 these findings are based on the information that the court has
21 at that time and may be revised, should additional evidence be
22 presented to the court.

23 The court shall review the Sibling Contact ~~and~~ Support Plan
24 developed or modified under subsection (f) of Section 7.4 of
25 the Children and Family Services Act, if applicable. If the
26 Department has not convened a meeting to develop or modify a

1 Sibling Contact Support Plan, or if the court finds that the
2 existing Plan is not in the child's best interest, the court
3 may enter an order requiring the Department to develop, modify
4 or implement a Sibling Contact Support Plan, or order
5 mediation.

6 If the goal has been achieved, the court shall enter orders
7 that are necessary to conform the minor's legal custody and
8 status to those findings.

9 If, after receiving evidence, the court determines that the
10 services contained in the plan are not reasonably calculated to
11 facilitate achievement of the permanency goal, the court shall
12 put in writing the factual basis supporting the determination
13 and enter specific findings based on the evidence. The court
14 also shall enter an order for the Department to develop and
15 implement a new service plan or to implement changes to the
16 current service plan consistent with the court's findings. The
17 new service plan shall be filed with the court and served on
18 all parties within 45 days of the date of the order. The court
19 shall continue the matter until the new service plan is filed.
20 Unless otherwise specifically authorized by law, the court is
21 not empowered under this subsection (2) or under subsection (3)
22 to order specific placements, specific services, or specific
23 service providers to be included in the plan.

24 A guardian or custodian appointed by the court pursuant to
25 this Act shall file updated case plans with the court every 6
26 months.

1 Rights of wards of the court under this Act are enforceable
2 against any public agency by complaints for relief by mandamus
3 filed in any proceedings brought under this Act.

4 (3) Following the permanency hearing, the court shall enter
5 a written order that includes the determinations required under
6 subsection (2) of this Section and sets forth the following:

7 (a) The future status of the minor, including the
8 permanency goal, and any order necessary to conform the
9 minor's legal custody and status to such determination; or

10 (b) If the permanency goal of the minor cannot be
11 achieved immediately, the specific reasons for continuing
12 the minor in the care of the Department of Children and
13 Family Services or other agency for short term placement,
14 and the following determinations:

15 (i) (Blank).

16 (ii) Whether the services required by the court and
17 by any service plan prepared within the prior 6 months
18 have been provided and (A) if so, whether the services
19 were reasonably calculated to facilitate the
20 achievement of the permanency goal or (B) if not
21 provided, why the services were not provided.

22 (iii) Whether the minor's placement is necessary,
23 and appropriate to the plan and goal, recognizing the
24 right of minors to the least restrictive (most
25 family-like) setting available and in close proximity
26 to the parents' home consistent with the health,

1 safety, best interest and special needs of the minor
2 and, if the minor is placed out-of-State, whether the
3 out-of-State placement continues to be appropriate and
4 consistent with the health, safety, and best interest
5 of the minor.

6 (iv) (Blank).

7 (v) (Blank).

8 (4) The minor or any person interested in the minor may
9 apply to the court for a change in custody of the minor and the
10 appointment of a new custodian or guardian of the person or for
11 the restoration of the minor to the custody of his parents or
12 former guardian or custodian.

13 When return home is not selected as the permanency goal:

14 (a) The Department, the minor, or the current foster
15 parent or relative caregiver seeking private guardianship
16 may file a motion for private guardianship of the minor.
17 Appointment of a guardian under this Section requires
18 approval of the court.

19 (b) The State's Attorney may file a motion to terminate
20 parental rights of any parent who has failed to make
21 reasonable efforts to correct the conditions which led to
22 the removal of the child or reasonable progress toward the
23 return of the child, as defined in subdivision (D)(m) of
24 Section 1 of the Adoption Act or for whom any other
25 unfitness ground for terminating parental rights as
26 defined in subdivision (D) of Section 1 of the Adoption Act

1 exists.

2 When parental rights have been terminated for a minimum
3 of 3 years and the child who is the subject of the
4 permanency hearing is 13 years old or older and is not
5 currently placed in a placement likely to achieve
6 permanency, the Department of Children and Family Services
7 shall make reasonable efforts to locate parents whose
8 rights have been terminated, except when the Court
9 determines that those efforts would be futile or
10 inconsistent with the subject child's best interests. The
11 Department of Children and Family Services shall assess the
12 appropriateness of the parent whose rights have been
13 terminated, and shall, as appropriate, foster and support
14 connections between the parent whose rights have been
15 terminated and the youth. The Department of Children and
16 Family Services shall document its determinations and
17 efforts to foster connections in the child's case plan.

18 Custody of the minor shall not be restored to any parent,
19 guardian or legal custodian in any case in which the minor is
20 found to be neglected or abused under Section 2-3 or dependent
21 under Section 2-4 of this Act, unless the minor can be cared
22 for at home without endangering his or her health or safety and
23 it is in the best interest of the minor, and if such neglect,
24 abuse, or dependency is found by the court under paragraph (1)
25 of Section 2-21 of this Act to have come about due to the acts
26 or omissions or both of such parent, guardian or legal

1 custodian, until such time as an investigation is made as
2 provided in paragraph (5) and a hearing is held on the issue of
3 the health, safety and best interest of the minor and the
4 fitness of such parent, guardian or legal custodian to care for
5 the minor and the court enters an order that such parent,
6 guardian or legal custodian is fit to care for the minor. In
7 the event that the minor has attained 18 years of age and the
8 guardian or custodian petitions the court for an order
9 terminating his guardianship or custody, guardianship or
10 custody shall terminate automatically 30 days after the receipt
11 of the petition unless the court orders otherwise. No legal
12 custodian or guardian of the person may be removed without his
13 consent until given notice and an opportunity to be heard by
14 the court.

15 When the court orders a child restored to the custody of
16 the parent or parents, the court shall order the parent or
17 parents to cooperate with the Department of Children and Family
18 Services and comply with the terms of an after-care plan, or
19 risk the loss of custody of the child and possible termination
20 of their parental rights. The court may also enter an order of
21 protective supervision in accordance with Section 2-24.

22 (5) Whenever a parent, guardian, or legal custodian files a
23 motion for restoration of custody of the minor, and the minor
24 was adjudicated neglected, abused, or dependent as a result of
25 physical abuse, the court shall cause to be made an
26 investigation as to whether the movant has ever been charged

1 with or convicted of any criminal offense which would indicate
2 the likelihood of any further physical abuse to the minor.
3 Evidence of such criminal convictions shall be taken into
4 account in determining whether the minor can be cared for at
5 home without endangering his or her health or safety and
6 fitness of the parent, guardian, or legal custodian.

7 (a) Any agency of this State or any subdivision thereof
8 shall co-operate with the agent of the court in providing
9 any information sought in the investigation.

10 (b) The information derived from the investigation and
11 any conclusions or recommendations derived from the
12 information shall be provided to the parent, guardian, or
13 legal custodian seeking restoration of custody prior to the
14 hearing on fitness and the movant shall have an opportunity
15 at the hearing to refute the information or contest its
16 significance.

17 (c) All information obtained from any investigation
18 shall be confidential as provided in Section 5-150 of this
19 Act.

20 (Source: P.A. 96-600, eff. 8-21-09; 96-1375, eff. 7-29-10;
21 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12; revised
22 11-22-13.)

23 (705 ILCS 405/3-12) (from Ch. 37, par. 803-12)

24 Sec. 3-12. Shelter care hearing. At the appearance of the
25 minor before the court at the shelter care hearing, all

1 witnesses present shall be examined before the court in
2 relation to any matter connected with the allegations made in
3 the petition.

4 (1) If the court finds that there is not probable cause to
5 believe that the minor is a person requiring authoritative
6 intervention, it shall release the minor and dismiss the
7 petition.

8 (2) If the court finds that there is probable cause to
9 believe that the minor is a person requiring authoritative
10 intervention, the minor, his or her parent, guardian, custodian
11 and other persons able to give relevant testimony shall be
12 examined before the court. After such testimony, the court may
13 enter an order that the minor shall be released upon the
14 request of a parent, guardian or custodian if the parent,
15 guardian or custodian appears to take custody. Custodian shall
16 include any agency of the State which has been given custody or
17 wardship of the child. The Court shall require documentation by
18 representatives of the Department of Children and Family
19 Services or the probation department as to the reasonable
20 efforts that were made to prevent or eliminate the necessity of
21 removal of the minor from his or her home, and shall consider
22 the testimony of any person as to those reasonable efforts. If
23 the court finds that it is a matter of immediate and urgent
24 necessity for the protection of the minor or of the person or
25 property of another that the minor be placed in a shelter care
26 facility, or that he or she is likely to flee the jurisdiction

1 of the court, and further finds that reasonable efforts have
2 been made or good cause has been shown why reasonable efforts
3 cannot prevent or eliminate the necessity of removal of the
4 minor from his or her home, the court may prescribe shelter
5 care and order that the minor be kept in a suitable place
6 designated by the court or in a shelter care facility
7 designated by the Department of Children and Family Services or
8 a licensed child welfare agency; otherwise it shall release the
9 minor from custody. If the court prescribes shelter care, then
10 in placing the minor, the Department or other agency shall, to
11 the extent compatible with the court's order, comply with
12 Section 7 of the Children and Family Services Act. If the minor
13 is ordered placed in a shelter care facility of the Department
14 of Children and Family Services or a licensed child welfare
15 agency, the court shall, upon request of the Department or
16 other agency, appoint the Department of Children and Family
17 Services Guardianship Administrator or other appropriate
18 agency executive temporary custodian of the minor and the court
19 may enter such other orders related to the temporary custody as
20 it deems fit and proper, including the provision of services to
21 the minor or his family to ameliorate the causes contributing
22 to the finding of probable cause or to the finding of the
23 existence of immediate and urgent necessity. Acceptance of
24 services shall not be considered an admission of any allegation
25 in a petition made pursuant to this Act, nor may a referral of
26 services be considered as evidence in any proceeding pursuant

1 to this Act, except where the issue is whether the Department
2 has made reasonable efforts to reunite the family. In making
3 its findings that reasonable efforts have been made or that
4 good cause has been shown why reasonable efforts cannot prevent
5 or eliminate the necessity of removal of the minor from his or
6 her home, the court shall state in writing its findings
7 concerning the nature of the services that were offered or the
8 efforts that were made to prevent removal of the child and the
9 apparent reasons that such services or efforts could not
10 prevent the need for removal. The parents, guardian, custodian,
11 temporary custodian and minor shall each be furnished a copy of
12 such written findings. The temporary custodian shall maintain a
13 copy of the court order and written findings in the case record
14 for the child.

15 The order together with the court's findings of fact and
16 support thereof shall be entered of record in the court.

17 Once the court finds that it is a matter of immediate and
18 urgent necessity for the protection of the minor that the minor
19 be placed in a shelter care facility, the minor shall not be
20 returned to the parent, custodian or guardian until the court
21 finds that such placement is no longer necessary for the
22 protection of the minor.

23 (3) If prior to the shelter care hearing for a minor
24 described in Sections 2-3, 2-4, 3-3 and 4-3 the petitioner is
25 unable to serve notice on the party respondent, the shelter
26 care hearing may proceed ex-parte. A shelter care order from an

1 ex-parte hearing shall be endorsed with the date and hour of
 2 issuance and shall be filed with the clerk's office and entered
 3 of record. The order shall expire after 10 days from the time
 4 it is issued unless before its expiration it is renewed, at a
 5 hearing upon appearance of the party respondent, or upon an
 6 affidavit of the moving party as to all diligent efforts to
 7 notify the party respondent by notice as herein prescribed. The
 8 notice prescribed shall be in writing and shall be personally
 9 delivered to the minor or the minor's attorney and to the last
 10 known address of the other person or persons entitled to
 11 notice. The notice shall also state the nature of the
 12 allegations, the nature of the order sought by the State,
 13 including whether temporary custody is sought, and the
 14 consequences of failure to appear; and shall explain the right
 15 of the parties and the procedures to vacate or modify a shelter
 16 care order as provided in this Section. The notice for a
 17 shelter care hearing shall be substantially as follows:

18 NOTICE TO PARENTS AND CHILDREN OF SHELTER CARE HEARING

19 On at, before the Honorable
 20, (address:), the State of
 21 Illinois will present evidence (1) that (name of child or
 22 children) are abused, neglected or
 23 dependent for the following reasons:

24
 25 and (2) that there is "immediate and urgent necessity" to
 26 remove the child or children from the responsible relative.

1 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
2 PLACEMENT of the child or children in foster care until a trial
3 can be held. A trial may not be held for up to 90 days.

4 At the shelter care hearing, parents have the following
5 rights:

6 1. To ask the court to appoint a lawyer if they cannot
7 afford one.

8 2. To ask the court to continue the hearing to allow
9 them time to prepare.

10 3. To present evidence concerning:

11 a. Whether or not the child or children were
12 abused, neglected or dependent.

13 b. Whether or not there is "immediate and urgent
14 necessity" to remove the child from home (including:
15 their ability to care for the child, conditions in the
16 home, alternative means of protecting the child other
17 than removal).

18 c. The best interests of the child.

19 4. To cross examine the State's witnesses.

20 The Notice for rehearings shall be substantially as
21 follows:

22 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

23 TO REHEARING ON TEMPORARY CUSTODY

24 If you were not present at and did not have adequate notice
25 of the Shelter Care Hearing at which temporary custody of
26 was awarded to, you have the

1 right to request a full rehearing on whether the State should
2 have temporary custody of To request this
3 rehearing, you must file with the Clerk of the Juvenile Court
4 (address):, in person or by mailing a
5 statement (affidavit) setting forth the following:

6 1. That you were not present at the shelter care
7 hearing.

8 2. That you did not get adequate notice (explaining how
9 the notice was inadequate).

10 3. Your signature.

11 4. Signature must be notarized.

12 The rehearing should be scheduled within one day of your
13 filing this affidavit.

14 At the rehearing, your rights are the same as at the
15 initial shelter care hearing. The enclosed notice explains
16 those rights.

17 At the Shelter Care Hearing, children have the following
18 rights:

19 1. To have a guardian ad litem appointed.

20 2. To be declared competent as a witness and to present
21 testimony concerning:

22 a. Whether they are abused, neglected or
23 dependent.

24 b. Whether there is "immediate and urgent
25 necessity" to be removed from home.

26 c. Their best interests.

1 3. To cross examine witnesses for other parties.

2 4. To obtain an explanation of any proceedings and
3 orders of the court.

4 (4) If the parent, guardian, legal custodian, responsible
5 relative, or counsel of the minor did not have actual notice of
6 or was not present at the shelter care hearing, he or she may
7 file an affidavit setting forth these facts, and the clerk
8 shall set the matter for rehearing not later than 48 hours,
9 excluding Sundays and legal holidays, after the filing of the
10 affidavit. At the rehearing, the court shall proceed in the
11 same manner as upon the original hearing.

12 (5) Only when there is reasonable cause to believe that the
13 minor taken into custody is a person described in subsection
14 (3) of Section 5-105 may the minor be kept or detained in a
15 detention home or county or municipal jail. This Section shall
16 in no way be construed to limit subsection (6).

17 (6) No minor under 16 years of age may be confined in a
18 jail or place ordinarily used for the confinement of prisoners
19 in a police station. Minors under 18 years of age must be kept
20 separate from confined adults and may not at any time be kept
21 in the same cell, room, or yard with adults confined pursuant
22 to the criminal law.

23 (7) If the minor is not brought before a judicial officer
24 within the time period specified in Section 3-11, the minor
25 must immediately be released from custody.

26 (8) If neither the parent, guardian or custodian appears

1 within 24 hours to take custody of a minor released upon
2 request pursuant to subsection (2) of this Section, then the
3 clerk of the court shall set the matter for rehearing not later
4 than 7 days after the original order and shall issue a summons
5 directed to the parent, guardian or custodian to appear. At the
6 same time the probation department shall prepare a report on
7 the minor. If a parent, guardian or custodian does not appear
8 at such rehearing, the judge may enter an order prescribing
9 that the minor be kept in a suitable place designated by the
10 Department of Children and Family Services or a licensed child
11 welfare agency.

12 (9) Notwithstanding any other provision of this Section,
13 any interested party, including the State, the temporary
14 custodian, an agency providing services to the minor or family
15 under a service plan pursuant to Section 8.2 of the Abused and
16 Neglected Child Reporting Act, foster parent, or any of their
17 representatives, on notice to all parties entitled to notice,
18 may file a motion to modify or vacate a temporary custody order
19 on any of the following grounds:

20 (a) It is no longer a matter of immediate and urgent
21 necessity that the minor remain in shelter care; or

22 (b) There is a material change in the circumstances of
23 the natural family from which the minor was removed; or

24 (c) A person, including a parent, relative or legal
25 guardian, is capable of assuming temporary custody of the
26 minor; or

1 (d) Services provided by the Department of Children and
2 Family Services or a child welfare agency or other service
3 provider have been successful in eliminating the need for
4 temporary custody.

5 The clerk shall set the matter for hearing not later than
6 14 days after such motion is filed. In the event that the court
7 modifies or vacates a temporary custody order but does not
8 vacate its finding of probable cause, the court may order that
9 appropriate services be continued or initiated in behalf of the
10 minor and his or her family.

11 (10) The changes made to this Section by Public Act 98-61
12 ~~this amendatory Act of the 98th General Assembly~~ apply to a
13 minor who has been arrested or taken into custody on or after
14 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~
15 ~~amendatory Act.~~

16 (Source: P.A. 98-61, eff. 1-1-14; revised 11-22-13.)

17 (705 ILCS 405/4-9) (from Ch. 37, par. 804-9)

18 Sec. 4-9. Shelter care hearing. At the appearance of the
19 minor before the court at the shelter care hearing, all
20 witnesses present shall be examined before the court in
21 relation to any matter connected with the allegations made in
22 the petition.

23 (1) If the court finds that there is not probable cause to
24 believe that the minor is addicted, it shall release the minor
25 and dismiss the petition.

1 (2) If the court finds that there is probable cause to
2 believe that the minor is addicted, the minor, his or her
3 parent, guardian, custodian and other persons able to give
4 relevant testimony shall be examined before the court. After
5 such testimony, the court may enter an order that the minor
6 shall be released upon the request of a parent, guardian or
7 custodian if the parent, guardian or custodian appears to take
8 custody and agrees to abide by a court order which requires the
9 minor and his or her parent, guardian, or legal custodian to
10 complete an evaluation by an entity licensed by the Department
11 of Human Services, as the successor to the Department of
12 Alcoholism and Substance Abuse, and complete any treatment
13 recommendations indicated by the assessment. Custodian shall
14 include any agency of the State which has been given custody or
15 wardship of the child.

16 The Court shall require documentation by representatives
17 of the Department of Children and Family Services or the
18 probation department as to the reasonable efforts that were
19 made to prevent or eliminate the necessity of removal of the
20 minor from his or her home, and shall consider the testimony of
21 any person as to those reasonable efforts. If the court finds
22 that it is a matter of immediate and urgent necessity for the
23 protection of the minor or of the person or property of another
24 that the minor be or placed in a shelter care facility or that
25 he or she is likely to flee the jurisdiction of the court, and
26 further, finds that reasonable efforts have been made or good

1 cause has been shown why reasonable efforts cannot prevent or
2 eliminate the necessity of removal of the minor from his or her
3 home, the court may prescribe shelter care and order that the
4 minor be kept in a suitable place designated by the court or in
5 a shelter care facility designated by the Department of
6 Children and Family Services or a licensed child welfare
7 agency, or in a facility or program licensed by the Department
8 of Human Services for shelter and treatment services; otherwise
9 it shall release the minor from custody. If the court
10 prescribes shelter care, then in placing the minor, the
11 Department or other agency shall, to the extent compatible with
12 the court's order, comply with Section 7 of the Children and
13 Family Services Act. If the minor is ordered placed in a
14 shelter care facility of the Department of Children and Family
15 Services or a licensed child welfare agency, or in a facility
16 or program licensed by the Department of Human Services for
17 shelter and treatment services, the court shall, upon request
18 of the appropriate Department or other agency, appoint the
19 Department of Children and Family Services Guardianship
20 Administrator or other appropriate agency executive temporary
21 custodian of the minor and the court may enter such other
22 orders related to the temporary custody as it deems fit and
23 proper, including the provision of services to the minor or his
24 family to ameliorate the causes contributing to the finding of
25 probable cause or to the finding of the existence of immediate
26 and urgent necessity. Acceptance of services shall not be

1 considered an admission of any allegation in a petition made
2 pursuant to this Act, nor may a referral of services be
3 considered as evidence in any proceeding pursuant to this Act,
4 except where the issue is whether the Department has made
5 reasonable efforts to reunite the family. In making its
6 findings that reasonable efforts have been made or that good
7 cause has been shown why reasonable efforts cannot prevent or
8 eliminate the necessity of removal of the minor from his or her
9 home, the court shall state in writing its findings concerning
10 the nature of the services that were offered or the efforts
11 that were made to prevent removal of the child and the apparent
12 reasons that such services or efforts could not prevent the
13 need for removal. The parents, guardian, custodian, temporary
14 custodian and minor shall each be furnished a copy of such
15 written findings. The temporary custodian shall maintain a copy
16 of the court order and written findings in the case record for
17 the child. The order together with the court's findings of fact
18 in support thereof shall be entered of record in the court.

19 Once the court finds that it is a matter of immediate and
20 urgent necessity for the protection of the minor that the minor
21 be placed in a shelter care facility, the minor shall not be
22 returned to the parent, custodian or guardian until the court
23 finds that such placement is no longer necessary for the
24 protection of the minor.

25 (3) If neither the parent, guardian, legal custodian,
26 responsible relative nor counsel of the minor has had actual

1 notice of or is present at the shelter care hearing, he or she
2 may file his or her affidavit setting forth these facts, and
3 the clerk shall set the matter for rehearing not later than 24
4 hours, excluding Sundays and legal holidays, after the filing
5 of the affidavit. At the rehearing, the court shall proceed in
6 the same manner as upon the original hearing.

7 (4) If the minor is not brought before a judicial officer
8 within the time period as specified in Section 4-8, the minor
9 must immediately be released from custody.

10 (5) Only when there is reasonable cause to believe that the
11 minor taken into custody is a person described in subsection
12 (3) of Section 5-105 may the minor be kept or detained in a
13 detention home or county or municipal jail. This Section shall
14 in no way be construed to limit subsection (6).

15 (6) No minor under 16 years of age may be confined in a
16 jail or place ordinarily used for the confinement of prisoners
17 in a police station. Minors under 18 years of age must be kept
18 separate from confined adults and may not at any time be kept
19 in the same cell, room or yard with adults confined pursuant to
20 the criminal law.

21 (7) If neither the parent, guardian or custodian appears
22 within 24 hours to take custody of a minor released upon
23 request pursuant to subsection (2) of this Section, then the
24 clerk of the court shall set the matter for rehearing not later
25 than 7 days after the original order and shall issue a summons
26 directed to the parent, guardian or custodian to appear. At the

1 same time the probation department shall prepare a report on
2 the minor. If a parent, guardian or custodian does not appear
3 at such rehearing, the judge may enter an order prescribing
4 that the minor be kept in a suitable place designated by the
5 Department of Children and Family Services or a licensed child
6 welfare agency.

7 (8) Any interested party, including the State, the
8 temporary custodian, an agency providing services to the minor
9 or family under a service plan pursuant to Section 8.2 of the
10 Abused and Neglected Child Reporting Act, foster parent, or any
11 of their representatives, may file a motion to modify or vacate
12 a temporary custody order on any of the following grounds:

13 (a) It is no longer a matter of immediate and urgent
14 necessity that the minor remain in shelter care; or

15 (b) There is a material change in the circumstances of
16 the natural family from which the minor was removed; or

17 (c) A person, including a parent, relative or legal
18 guardian, is capable of assuming temporary custody of the
19 minor; or

20 (d) Services provided by the Department of Children and
21 Family Services or a child welfare agency or other service
22 provider have been successful in eliminating the need for
23 temporary custody.

24 The clerk shall set the matter for hearing not later than
25 14 days after such motion is filed. In the event that the court
26 modifies or vacates a temporary custody order but does not

1 vacate its finding of probable cause, the court may order that
2 appropriate services be continued or initiated in behalf of the
3 minor and his or her family.

4 (9) The changes made to this Section by Public Act 98-61
5 ~~this amendatory Act of the 98th General Assembly~~ apply to a
6 minor who has been arrested or taken into custody on or after
7 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~
8 ~~amendatory Act.~~

9 (Source: P.A. 98-61, eff. 1-1-14; revised 11-22-13.)

10 (705 ILCS 405/5-105)

11 Sec. 5-105. Definitions. As used in this Article:

12 (1) "Aftercare release" means the conditional and
13 revocable release of an adjudicated delinquent juvenile
14 committed to the Department of Juvenile Justice under the
15 supervision of the Department of Juvenile Justice.

16 (1.5) "Court" means the circuit court in a session or
17 division assigned to hear proceedings under this Act, and
18 includes the term Juvenile Court.

19 (2) "Community service" means uncompensated labor for
20 a community service agency as hereinafter defined.

21 (2.5) "Community service agency" means a
22 not-for-profit organization, community organization,
23 church, charitable organization, individual, public
24 office, or other public body whose purpose is to enhance
25 the physical or mental health of a delinquent minor or to

1 rehabilitate the minor, or to improve the environmental
2 quality or social welfare of the community which agrees to
3 accept community service from juvenile delinquents and to
4 report on the progress of the community service to the
5 State's Attorney pursuant to an agreement or to the court
6 or to any agency designated by the court or to the
7 authorized diversion program that has referred the
8 delinquent minor for community service.

9 (3) "Delinquent minor" means any minor who prior to his
10 or her 18th birthday has violated or attempted to violate,
11 regardless of where the act occurred, any federal, State,
12 county or municipal law or ordinance.

13 (4) "Department" means the Department of Human
14 Services unless specifically referenced as another
15 department.

16 (5) "Detention" means the temporary care of a minor who
17 is alleged to be or has been adjudicated delinquent and who
18 requires secure custody for the minor's own protection or
19 the community's protection in a facility designed to
20 physically restrict the minor's movements, pending
21 disposition by the court or execution of an order of the
22 court for placement or commitment. Design features that
23 physically restrict movement include, but are not limited
24 to, locked rooms and the secure handcuffing of a minor to a
25 rail or other stationary object. In addition, "detention"
26 includes the court ordered care of an alleged or

1 adjudicated delinquent minor who requires secure custody
2 pursuant to Section 5-125 of this Act.

3 (6) "Diversion" means the referral of a juvenile,
4 without court intervention, into a program that provides
5 services designed to educate the juvenile and develop a
6 productive and responsible approach to living in the
7 community.

8 (7) "Juvenile detention home" means a public facility
9 with specially trained staff that conforms to the county
10 juvenile detention standards promulgated by the Department
11 of Corrections.

12 (8) "Juvenile justice continuum" means a set of
13 delinquency prevention programs and services designed for
14 the purpose of preventing or reducing delinquent acts,
15 including criminal activity by youth gangs, as well as
16 intervention, rehabilitation, and prevention services
17 targeted at minors who have committed delinquent acts, and
18 minors who have previously been committed to residential
19 treatment programs for delinquents. The term includes
20 children-in-need-of-services and
21 families-in-need-of-services programs; aftercare and
22 reentry services; substance abuse and mental health
23 programs; community service programs; community service
24 work programs; and alternative-dispute resolution programs
25 serving youth-at-risk of delinquency and their families,
26 whether offered or delivered by State or local governmental

1 entities, public or private for-profit or not-for-profit
2 organizations, or religious or charitable organizations.
3 This term would also encompass any program or service
4 consistent with the purpose of those programs and services
5 enumerated in this subsection.

6 (9) "Juvenile police officer" means a sworn police
7 officer who has completed a Basic Recruit Training Course,
8 has been assigned to the position of juvenile police
9 officer by his or her chief law enforcement officer and has
10 completed the necessary juvenile officers training as
11 prescribed by the Illinois Law Enforcement Training
12 Standards Board, or in the case of a State police officer,
13 juvenile officer training approved by the Director of State
14 Police.

15 (10) "Minor" means a person under the age of 21 years
16 subject to this Act.

17 (11) "Non-secure custody" means confinement where the
18 minor is not physically restricted by being placed in a
19 locked cell or room, by being handcuffed to a rail or other
20 stationary object, or by other means. Non-secure custody
21 may include, but is not limited to, electronic monitoring,
22 foster home placement, home confinement, group home
23 placement, or physical restriction of movement or activity
24 solely through facility staff.

25 (12) "Public or community service" means uncompensated
26 labor for a not-for-profit organization or public body

1 whose purpose is to enhance physical or mental stability of
2 the offender, environmental quality or the social welfare
3 and which agrees to accept public or community service from
4 offenders and to report on the progress of the offender and
5 the public or community service to the court or to the
6 authorized diversion program that has referred the
7 offender for public or community service.

8 (13) "Sentencing hearing" means a hearing to determine
9 whether a minor should be adjudged a ward of the court, and
10 to determine what sentence should be imposed on the minor.
11 It is the intent of the General Assembly that the term
12 "sentencing hearing" replace the term "dispositional
13 hearing" and be synonymous with that definition as it was
14 used in the Juvenile Court Act of 1987.

15 (14) "Shelter" means the temporary care of a minor in
16 physically unrestricting facilities pending court
17 disposition or execution of court order for placement.

18 (15) "Site" means a not-for-profit organization,
19 public body, church, charitable organization, or
20 individual agreeing to accept community service from
21 offenders and to report on the progress of ordered or
22 required public or community service to the court or to the
23 authorized diversion program that has referred the
24 offender for public or community service.

25 (16) "Station adjustment" means the informal or formal
26 handling of an alleged offender by a juvenile police

1 officer.

2 (17) "Trial" means a hearing to determine whether the
3 allegations of a petition under Section 5-520 that a minor
4 is delinquent are proved beyond a reasonable doubt. It is
5 the intent of the General Assembly that the term "trial"
6 replace the term "adjudicatory hearing" and be synonymous
7 with that definition as it was used in the Juvenile Court
8 Act of 1987.

9 The changes made to this Section by Public Act 98-61 ~~this~~
10 ~~amendatory Act of the 98th General Assembly~~ apply to violations
11 or attempted violations committed on or after January 1, 2014
12 (the effective date of Public Act 98-61) ~~this amendatory Act~~.
13 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; revised
14 1-21-14.)

15 (705 ILCS 405/5-130)

16 Sec. 5-130. Excluded jurisdiction.

17 (1)(a) The definition of delinquent minor under Section
18 5-120 of this Article shall not apply to any minor who at the
19 time of an offense was at least 15 years of age and who is
20 charged with: (i) first degree murder, (ii) aggravated criminal
21 sexual assault, (iii) aggravated battery with a firearm as
22 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
23 (e)(3), or (e)(4) of Section 12-3.05 where the minor personally
24 discharged a firearm as defined in Section 2-15.5 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, (iv) armed

1 robbery when the armed robbery was committed with a firearm, or
2 (v) aggravated vehicular hijacking when the hijacking was
3 committed with a firearm.

4 These charges and all other charges arising out of the same
5 incident shall be prosecuted under the criminal laws of this
6 State.

7 (b) (i) If before trial or plea an information or indictment
8 is filed that does not charge an offense specified in paragraph
9 (a) of this subsection (1) the State's Attorney may proceed on
10 any lesser charge or charges, but only in Juvenile Court under
11 the provisions of this Article. The State's Attorney may
12 proceed on a lesser charge if before trial the minor defendant
13 knowingly and with advice of counsel waives, in writing, his or
14 her right to have the matter proceed in Juvenile Court.

15 (ii) If before trial or plea an information or indictment
16 is filed that includes one or more charges specified in
17 paragraph (a) of this subsection (1) and additional charges
18 that are not specified in that paragraph, all of the charges
19 arising out of the same incident shall be prosecuted under the
20 Criminal Code of 1961 or the Criminal Code of 2012.

21 (c) (i) If after trial or plea the minor is convicted of any
22 offense covered by paragraph (a) of this subsection (1), then,
23 in sentencing the minor, the court shall have available any or
24 all dispositions prescribed for that offense under Chapter V of
25 the Unified Code of Corrections.

26 (ii) If after trial or plea the court finds that the minor

1 committed an offense not covered by paragraph (a) of this
2 subsection (1), that finding shall not invalidate the verdict
3 or the prosecution of the minor under the criminal laws of the
4 State; however, unless the State requests a hearing for the
5 purpose of sentencing the minor under Chapter V of the Unified
6 Code of Corrections, the Court must proceed under Sections
7 5-705 and 5-710 of this Article. To request a hearing, the
8 State must file a written motion within 10 days following the
9 entry of a finding or the return of a verdict. Reasonable
10 notice of the motion shall be given to the minor or his or her
11 counsel. If the motion is made by the State, the court shall
12 conduct a hearing to determine if the minor should be sentenced
13 under Chapter V of the Unified Code of Corrections. In making
14 its determination, the court shall consider among other
15 matters: (a) whether there is evidence that the offense was
16 committed in an aggressive and premeditated manner; (b) the age
17 of the minor; (c) the previous history of the minor; (d)
18 whether there are facilities particularly available to the
19 Juvenile Court or the Department of Juvenile Justice for the
20 treatment and rehabilitation of the minor; (e) whether the
21 security of the public requires sentencing under Chapter V of
22 the Unified Code of Corrections; and (f) whether the minor
23 possessed a deadly weapon when committing the offense. The
24 rules of evidence shall be the same as if at trial. If after
25 the hearing the court finds that the minor should be sentenced
26 under Chapter V of the Unified Code of Corrections, then the

1 court shall sentence the minor accordingly having available to
2 it any or all dispositions so prescribed.

3 (2) (Blank).

4 (3)(a) The definition of delinquent minor under Section
5 5-120 of this Article shall not apply to any minor who at the
6 time of the offense was at least 15 years of age and who is
7 charged with a violation of the provisions of paragraph (1),
8 (3), (4), or (10) of subsection (a) of Section 24-1 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 while in
10 school, regardless of the time of day or the time of year, or
11 on the real property comprising any school, regardless of the
12 time of day or the time of year. School is defined, for
13 purposes of this Section as any public or private elementary or
14 secondary school, community college, college, or university.
15 These charges and all other charges arising out of the same
16 incident shall be prosecuted under the criminal laws of this
17 State.

18 (b)(i) If before trial or plea an information or indictment
19 is filed that does not charge an offense specified in paragraph
20 (a) of this subsection (3) the State's Attorney may proceed on
21 any lesser charge or charges, but only in Juvenile Court under
22 the provisions of this Article. The State's Attorney may
23 proceed under the criminal laws of this State on a lesser
24 charge if before trial the minor defendant knowingly and with
25 advice of counsel waives, in writing, his or her right to have
26 the matter proceed in Juvenile Court.

1 (ii) If before trial or plea an information or indictment
2 is filed that includes one or more charges specified in
3 paragraph (a) of this subsection (3) and additional charges
4 that are not specified in that paragraph, all of the charges
5 arising out of the same incident shall be prosecuted under the
6 criminal laws of this State.

7 (c) (i) If after trial or plea the minor is convicted of any
8 offense covered by paragraph (a) of this subsection (3), then,
9 in sentencing the minor, the court shall have available any or
10 all dispositions prescribed for that offense under Chapter V of
11 the Unified Code of Corrections.

12 (ii) If after trial or plea the court finds that the minor
13 committed an offense not covered by paragraph (a) of this
14 subsection (3), that finding shall not invalidate the verdict
15 or the prosecution of the minor under the criminal laws of the
16 State; however, unless the State requests a hearing for the
17 purpose of sentencing the minor under Chapter V of the Unified
18 Code of Corrections, the Court must proceed under Sections
19 5-705 and 5-710 of this Article. To request a hearing, the
20 State must file a written motion within 10 days following the
21 entry of a finding or the return of a verdict. Reasonable
22 notice of the motion shall be given to the minor or his or her
23 counsel. If the motion is made by the State, the court shall
24 conduct a hearing to determine if the minor should be sentenced
25 under Chapter V of the Unified Code of Corrections. In making
26 its determination, the court shall consider among other

1 matters: (a) whether there is evidence that the offense was
2 committed in an aggressive and premeditated manner; (b) the age
3 of the minor; (c) the previous history of the minor; (d)
4 whether there are facilities particularly available to the
5 Juvenile Court or the Department of Juvenile Justice for the
6 treatment and rehabilitation of the minor; (e) whether the
7 security of the public requires sentencing under Chapter V of
8 the Unified Code of Corrections; and (f) whether the minor
9 possessed a deadly weapon when committing the offense. The
10 rules of evidence shall be the same as if at trial. If after
11 the hearing the court finds that the minor should be sentenced
12 under Chapter V of the Unified Code of Corrections, then the
13 court shall sentence the minor accordingly having available to
14 it any or all dispositions so prescribed.

15 (4)(a) The definition of delinquent minor under Section
16 5-120 of this Article shall not apply to any minor who at the
17 time of an offense was at least 13 years of age and who is
18 charged with first degree murder committed during the course of
19 either aggravated criminal sexual assault, criminal sexual
20 assault, or aggravated kidnaping. However, this subsection (4)
21 does not include a minor charged with first degree murder based
22 exclusively upon the accountability provisions of the Criminal
23 Code of 1961 or the Criminal Code of 2012.

24 (b)(i) If before trial or plea an information or indictment
25 is filed that does not charge first degree murder committed
26 during the course of aggravated criminal sexual assault,

1 criminal sexual assault, or aggravated kidnaping, the State's
2 Attorney may proceed on any lesser charge or charges, but only
3 in Juvenile Court under the provisions of this Article. The
4 State's Attorney may proceed under the criminal laws of this
5 State on a lesser charge if before trial the minor defendant
6 knowingly and with advice of counsel waives, in writing, his or
7 her right to have the matter proceed in Juvenile Court.

8 (ii) If before trial or plea an information or indictment
9 is filed that includes first degree murder committed during the
10 course of aggravated criminal sexual assault, criminal sexual
11 assault, or aggravated kidnaping, and additional charges that
12 are not specified in paragraph (a) of this subsection, all of
13 the charges arising out of the same incident shall be
14 prosecuted under the criminal laws of this State.

15 (c)(i) If after trial or plea the minor is convicted of
16 first degree murder committed during the course of aggravated
17 criminal sexual assault, criminal sexual assault, or
18 aggravated kidnaping, in sentencing the minor, the court shall
19 have available any or all dispositions prescribed for that
20 offense under Chapter V of the Unified Code of Corrections.

21 (ii) If the minor was not yet 15 years of age at the time of
22 the offense, and if after trial or plea the court finds that
23 the minor committed an offense other than first degree murder
24 committed during the course of either aggravated criminal
25 sexual assault, criminal sexual assault, or aggravated
26 kidnaping, the finding shall not invalidate the verdict or the

1 prosecution of the minor under the criminal laws of the State;
2 however, unless the State requests a hearing for the purpose of
3 sentencing the minor under Chapter V of the Unified Code of
4 Corrections, the Court must proceed under Sections 5-705 and
5 5-710 of this Article. To request a hearing, the State must
6 file a written motion within 10 days following the entry of a
7 finding or the return of a verdict. Reasonable notice of the
8 motion shall be given to the minor or his or her counsel. If
9 the motion is made by the State, the court shall conduct a
10 hearing to determine whether the minor should be sentenced
11 under Chapter V of the Unified Code of Corrections. In making
12 its determination, the court shall consider among other
13 matters: (a) whether there is evidence that the offense was
14 committed in an aggressive and premeditated manner; (b) the age
15 of the minor; (c) the previous delinquent history of the minor;
16 (d) whether there are facilities particularly available to the
17 Juvenile Court or the Department of Juvenile Justice for the
18 treatment and rehabilitation of the minor; (e) whether the best
19 interest of the minor and the security of the public require
20 sentencing under Chapter V of the Unified Code of Corrections;
21 and (f) whether the minor possessed a deadly weapon when
22 committing the offense. The rules of evidence shall be the same
23 as if at trial. If after the hearing the court finds that the
24 minor should be sentenced under Chapter V of the Unified Code
25 of Corrections, then the court shall sentence the minor
26 accordingly having available to it any or all dispositions so

1 prescribed.

2 (5) (a) The definition of delinquent minor under Section
3 5-120 of this Article shall not apply to any minor who is
4 charged with a violation of subsection (a) of Section 31-6 or
5 Section 32-10 of the Criminal Code of 1961 or the Criminal Code
6 of 2012 when the minor is subject to prosecution under the
7 criminal laws of this State as a result of the application of
8 the provisions of Section 5-125, or subsection (1) or (2) of
9 this Section. These charges and all other charges arising out
10 of the same incident shall be prosecuted under the criminal
11 laws of this State.

12 (b) (i) If before trial or plea an information or indictment
13 is filed that does not charge an offense specified in paragraph
14 (a) of this subsection (5), the State's Attorney may proceed on
15 any lesser charge or charges, but only in Juvenile Court under
16 the provisions of this Article. The State's Attorney may
17 proceed under the criminal laws of this State on a lesser
18 charge if before trial the minor defendant knowingly and with
19 advice of counsel waives, in writing, his or her right to have
20 the matter proceed in Juvenile Court.

21 (ii) If before trial or plea an information or indictment
22 is filed that includes one or more charges specified in
23 paragraph (a) of this subsection (5) and additional charges
24 that are not specified in that paragraph, all of the charges
25 arising out of the same incident shall be prosecuted under the
26 criminal laws of this State.

1 (c) (i) If after trial or plea the minor is convicted of any
2 offense covered by paragraph (a) of this subsection (5), then,
3 in sentencing the minor, the court shall have available any or
4 all dispositions prescribed for that offense under Chapter V of
5 the Unified Code of Corrections.

6 (ii) If after trial or plea the court finds that the minor
7 committed an offense not covered by paragraph (a) of this
8 subsection (5), the conviction shall not invalidate the verdict
9 or the prosecution of the minor under the criminal laws of this
10 State; however, unless the State requests a hearing for the
11 purpose of sentencing the minor under Chapter V of the Unified
12 Code of Corrections, the Court must proceed under Sections
13 5-705 and 5-710 of this Article. To request a hearing, the
14 State must file a written motion within 10 days following the
15 entry of a finding or the return of a verdict. Reasonable
16 notice of the motion shall be given to the minor or his or her
17 counsel. If the motion is made by the State, the court shall
18 conduct a hearing to determine if whether the minor should be
19 sentenced under Chapter V of the Unified Code of Corrections.
20 In making its determination, the court shall consider among
21 other matters: (a) whether there is evidence that the offense
22 was committed in an aggressive and premeditated manner; (b) the
23 age of the minor; (c) the previous delinquent history of the
24 minor; (d) whether there are facilities particularly available
25 to the Juvenile Court or the Department of Juvenile Justice for
26 the treatment and rehabilitation of the minor; (e) whether the

1 security of the public requires sentencing under Chapter V of
2 the Unified Code of Corrections; and (f) whether the minor
3 possessed a deadly weapon when committing the offense. The
4 rules of evidence shall be the same as if at trial. If after
5 the hearing the court finds that the minor should be sentenced
6 under Chapter V of the Unified Code of Corrections, then the
7 court shall sentence the minor accordingly having available to
8 it any or all dispositions so prescribed.

9 (6) The definition of delinquent minor under Section 5-120
10 of this Article shall not apply to any minor who, pursuant to
11 subsection (1) or (3) or Section 5-805 or 5-810, has previously
12 been placed under the jurisdiction of the criminal court and
13 has been convicted of a crime under an adult criminal or penal
14 statute. Such a minor shall be subject to prosecution under the
15 criminal laws of this State.

16 (7) The procedures set out in this Article for the
17 investigation, arrest and prosecution of juvenile offenders
18 shall not apply to minors who are excluded from jurisdiction of
19 the Juvenile Court, except that minors under 18 years of age
20 shall be kept separate from confined adults.

21 (8) Nothing in this Act prohibits or limits the prosecution
22 of any minor for an offense committed on or after his or her
23 18th birthday even though he or she is at the time of the
24 offense a ward of the court.

25 (9) If an original petition for adjudication of wardship
26 alleges the commission by a minor 13 years of age or over of an

1 act that constitutes a crime under the laws of this State, the
2 minor, with the consent of his or her counsel, may, at any time
3 before commencement of the adjudicatory hearing, file with the
4 court a motion that criminal prosecution be ordered and that
5 the petition be dismissed insofar as the act or acts involved
6 in the criminal proceedings are concerned. If such a motion is
7 filed as herein provided, the court shall enter its order
8 accordingly.

9 (10) If, prior to August 12, 2005 (the effective date of
10 Public Act 94-574), a minor is charged with a violation of
11 Section 401 of the Illinois Controlled Substances Act under the
12 criminal laws of this State, other than a minor charged with a
13 Class X felony violation of the Illinois Controlled Substances
14 Act or the Methamphetamine Control and Community Protection
15 Act, any party including the minor or the court sua sponte may,
16 before trial, move for a hearing for the purpose of trying and
17 sentencing the minor as a delinquent minor. To request a
18 hearing, the party must file a motion prior to trial.
19 Reasonable notice of the motion shall be given to all parties.
20 On its own motion or upon the filing of a motion by one of the
21 parties including the minor, the court shall conduct a hearing
22 to determine whether the minor should be tried and sentenced as
23 a delinquent minor under this Article. In making its
24 determination, the court shall consider among other matters:

25 (a) The age of the minor;

26 (b) Any previous delinquent or criminal history of the

1 minor;

2 (c) Any previous abuse or neglect history of the minor;

3 (d) Any mental health or educational history of the
4 minor, or both; and

5 (e) Whether there is probable cause to support the
6 charge, whether the minor is charged through
7 accountability, and whether there is evidence the minor
8 possessed a deadly weapon or caused serious bodily harm
9 during the offense.

10 Any material that is relevant and reliable shall be
11 admissible at the hearing. In all cases, the judge shall enter
12 an order permitting prosecution under the criminal laws of
13 Illinois unless the judge makes a finding based on a
14 preponderance of the evidence that the minor would be amenable
15 to the care, treatment, and training programs available through
16 the facilities of the juvenile court based on an evaluation of
17 the factors listed in this subsection (10).

18 (11) The changes made to this Section by Public Act 98-61
19 ~~this amendatory Act of the 98th General Assembly~~ apply to a
20 minor who has been arrested or taken into custody on or after
21 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~
22 ~~amendatory Act.~~

23 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;
24 revised 11-22-13.)

25 (705 ILCS 405/5-401.5)

1 Sec. 5-401.5. When statements by minor may be used.

2 (a) In this Section, "custodial interrogation" means any
3 interrogation (i) during which a reasonable person in the
4 subject's position would consider himself or herself to be in
5 custody and (ii) during which a question is asked that is
6 reasonably likely to elicit an incriminating response.

7 In this Section, "electronic recording" includes motion
8 picture, audiotape, videotape, or digital recording.

9 In this Section, "place of detention" means a building or a
10 police station that is a place of operation for a municipal
11 police department or county sheriff department or other law
12 enforcement agency at which persons are or may be held in
13 detention in connection with criminal charges against those
14 persons or allegations that those persons are delinquent
15 minors.

16 (b) An oral, written, or sign language statement of a minor
17 who, at the time of the commission of the offense was under the
18 age of 18 years, made as a result of a custodial interrogation
19 conducted at a police station or other place of detention on or
20 after the effective date of this amendatory Act of the 93rd
21 General Assembly shall be presumed to be inadmissible as
22 evidence against the minor in any criminal proceeding or
23 juvenile court proceeding, for an act that if committed by an
24 adult would be brought under Section 9-1, 9-1.2, 9-2, 9-2.1,
25 9-3, 9-3.2, or 9-3.3, of the Criminal Code of 1961 or the
26 Criminal Code of 2012, or under clause (d)(1)(F) of Section

1 11-501 of the Illinois Vehicle Code unless:

2 (1) an electronic recording is made of the custodial
3 interrogation; and

4 (2) the recording is substantially accurate and not
5 intentionally altered.

6 (b-5) Under the following circumstances, an oral, written,
7 or sign language statement of a minor who, at the time of the
8 commission of the offense was under the age of 17 years, made
9 as a result of a custodial interrogation conducted at a police
10 station or other place of detention shall be presumed to be
11 inadmissible as evidence against the minor, unless an
12 electronic recording is made of the custodial interrogation and
13 the recording is substantially accurate and not intentionally
14 altered:

15 (1) in any criminal proceeding or juvenile court
16 proceeding, for an act that if committed by an adult would
17 be brought under Section 11-1.40 or 20-1.1 of the Criminal
18 Code of 1961 or the Criminal Code of 2012, if the custodial
19 interrogation was conducted on or after June 1, 2014;

20 (2) in any criminal proceeding or juvenile court
21 proceeding, for an act that if committed by an adult would
22 be brought under Section 10-2, 18-4, or 19-6 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, if the
24 custodial interrogation was conducted on or after June 1,
25 2015; and

26 (3) in any criminal proceeding or juvenile court

1 proceeding, for an act that if committed by an adult would
2 be brought under Section 11-1.30 or 18-2 or subsection (e)
3 of Section 12-3.05 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, if the custodial interrogation was
5 conducted on or after June 1, 2016.

6 (b-10) If, during the course of an electronically recorded
7 custodial interrogation conducted under this Section of a minor
8 who, at the time of the commission of the offense was under the
9 age of 17 years, the minor makes a statement that creates a
10 reasonable suspicion to believe the minor has committed an act
11 that if committed by an adult would be an offense other than an
12 offense required to be recorded under subsection (b) or (b-5),
13 the interrogators may, without the minor's consent, continue to
14 record the interrogation as it relates to the other offense
15 notwithstanding any provision of law to the contrary. Any oral,
16 written, or sign language statement of a minor made as a result
17 of an interrogation under this subsection shall be presumed to
18 be inadmissible as evidence against the minor in any criminal
19 proceeding or juvenile court proceeding, unless the recording
20 is substantially accurate and not intentionally altered.

21 (c) Every electronic recording made under this Section must
22 be preserved until such time as the minor's adjudication for
23 any offense relating to the statement is final and all direct
24 and habeas corpus appeals are exhausted, or the prosecution of
25 such offenses is barred by law.

26 (d) If the court finds, by a preponderance of the evidence,

1 that the minor was subjected to a custodial interrogation in
2 violation of this Section, then any statements made by the
3 minor during or following that non-recorded custodial
4 interrogation, even if otherwise in compliance with this
5 Section, are presumed to be inadmissible in any criminal
6 proceeding or juvenile court proceeding against the minor
7 except for the purposes of impeachment.

8 (e) Nothing in this Section precludes the admission (i) of
9 a statement made by the minor in open court in any criminal
10 proceeding or juvenile court proceeding, before a grand jury,
11 or at a preliminary hearing, (ii) of a statement made during a
12 custodial interrogation that was not recorded as required by
13 this Section because electronic recording was not feasible,
14 (iii) of a voluntary statement, whether or not the result of a
15 custodial interrogation, that has a bearing on the credibility
16 of the accused as a witness, (iv) of a spontaneous statement
17 that is not made in response to a question, (v) of a statement
18 made after questioning that is routinely asked during the
19 processing of the arrest of the suspect, (vi) of a statement
20 made during a custodial interrogation by a suspect who
21 requests, prior to making the statement, to respond to the
22 interrogator's questions only if an electronic recording is not
23 made of the statement, provided that an electronic recording is
24 made of the statement of agreeing to respond to the
25 interrogator's question, only if a recording is not made of the
26 statement, (vii) of a statement made during a custodial

1 interrogation that is conducted out-of-state, (viii) of a
2 statement given in violation of subsection (b) at a time when
3 the interrogators are unaware that a death has in fact
4 occurred, (ix) of a statement given in violation of subsection
5 (b-5) at a time when the interrogators are unaware of facts and
6 circumstances that would create probable cause to believe that
7 the minor committed an act that if committed by an adult would
8 be an offense required to be recorded under subsection (b-5),
9 or (x) of any other statement that may be admissible under law.
10 The State shall bear the burden of proving, by a preponderance
11 of the evidence, that one of the exceptions described in this
12 subsection (e) is applicable. Nothing in this Section precludes
13 the admission of a statement, otherwise inadmissible under this
14 Section, that is used only for impeachment and not as
15 substantive evidence.

16 (f) The presumption of inadmissibility of a statement made
17 by a suspect at a custodial interrogation at a police station
18 or other place of detention may be overcome by a preponderance
19 of the evidence that the statement was voluntarily given and is
20 reliable, based on the totality of the circumstances.

21 (g) Any electronic recording of any statement made by a
22 minor during a custodial interrogation that is compiled by any
23 law enforcement agency as required by this Section for the
24 purposes of fulfilling the requirements of this Section shall
25 be confidential and exempt from public inspection and copying,
26 as provided under Section 7 of the Freedom of Information Act,

1 and the information shall not be transmitted to anyone except
2 as needed to comply with this Section.

3 (h) A statement, admission, confession, or incriminating
4 information made by or obtained from a minor related to the
5 instant offense, as part of any behavioral health screening,
6 assessment, evaluation, or treatment, whether or not
7 court-ordered, shall not be admissible as evidence against the
8 minor on the issue of guilt only in the instant juvenile court
9 proceeding. The provisions of this subsection (h) are in
10 addition to and do not override any existing statutory and
11 constitutional prohibition on the admission into evidence in
12 delinquency proceedings of information obtained during
13 screening, assessment, or treatment.

14 (i) The changes made to this Section by Public Act 98-61
15 ~~this amendatory Act of the 98th General Assembly~~ apply to
16 statements of a minor made on or after January 1, 2014 (the
17 effective date of Public Act 98-61) ~~this amendatory Act~~.

18 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;
19 98-547, eff. 1-1-14; revised 9-24-13.)

20 (705 ILCS 405/5-410)

21 Sec. 5-410. Non-secure custody or detention.

22 (1) Any minor arrested or taken into custody pursuant to
23 this Act who requires care away from his or her home but who
24 does not require physical restriction shall be given temporary
25 care in a foster family home or other shelter facility

1 designated by the court.

2 (2) (a) Any minor 10 years of age or older arrested
3 pursuant to this Act where there is probable cause to believe
4 that the minor is a delinquent minor and that (i) secured
5 custody is a matter of immediate and urgent necessity for the
6 protection of the minor or of the person or property of
7 another, (ii) the minor is likely to flee the jurisdiction of
8 the court, or (iii) the minor was taken into custody under a
9 warrant, may be kept or detained in an authorized detention
10 facility. No minor under 12 years of age shall be detained in a
11 county jail or a municipal lockup for more than 6 hours.

12 (b) The written authorization of the probation officer or
13 detention officer (or other public officer designated by the
14 court in a county having 3,000,000 or more inhabitants)
15 constitutes authority for the superintendent of any juvenile
16 detention home to detain and keep a minor for up to 40 hours,
17 excluding Saturdays, Sundays and court-designated holidays.
18 These records shall be available to the same persons and
19 pursuant to the same conditions as are law enforcement records
20 as provided in Section 5-905.

21 (b-4) The consultation required by subsection (b-5) shall
22 not be applicable if the probation officer or detention officer
23 (or other public officer designated by the court in a county
24 having 3,000,000 or more inhabitants) utilizes a scorable
25 detention screening instrument, which has been developed with
26 input by the State's Attorney, to determine whether a minor

1 should be detained, however, subsection (b-5) shall still be
2 applicable where no such screening instrument is used or where
3 the probation officer, detention officer (or other public
4 officer designated by the court in a county having 3,000,000 or
5 more inhabitants) deviates from the screening instrument.

6 (b-5) Subject to the provisions of subsection (b-4), if a
7 probation officer or detention officer (or other public officer
8 designated by the court in a county having 3,000,000 or more
9 inhabitants) does not intend to detain a minor for an offense
10 which constitutes one of the following offenses he or she shall
11 consult with the State's Attorney's Office prior to the release
12 of the minor: first degree murder, second degree murder,
13 involuntary manslaughter, criminal sexual assault, aggravated
14 criminal sexual assault, aggravated battery with a firearm as
15 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
16 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous
17 battery involving permanent disability or disfigurement or
18 great bodily harm, robbery, aggravated robbery, armed robbery,
19 vehicular hijacking, aggravated vehicular hijacking, vehicular
20 invasion, arson, aggravated arson, kidnapping, aggravated
21 kidnapping, home invasion, burglary, or residential burglary.

22 (c) Except as otherwise provided in paragraph (a), (d), or
23 (e), no minor shall be detained in a county jail or municipal
24 lockup for more than 12 hours, unless the offense is a crime of
25 violence in which case the minor may be detained up to 24
26 hours. For the purpose of this paragraph, "crime of violence"

1 has the meaning ascribed to it in Section 1-10 of the
2 Alcoholism and Other Drug Abuse and Dependency Act.

3 (i) The period of detention is deemed to have begun
4 once the minor has been placed in a locked room or cell or
5 handcuffed to a stationary object in a building housing a
6 county jail or municipal lockup. Time spent transporting a
7 minor is not considered to be time in detention or secure
8 custody.

9 (ii) Any minor so confined shall be under periodic
10 supervision and shall not be permitted to come into or
11 remain in contact with adults in custody in the building.

12 (iii) Upon placement in secure custody in a jail or
13 lockup, the minor shall be informed of the purpose of the
14 detention, the time it is expected to last and the fact
15 that it cannot exceed the time specified under this Act.

16 (iv) A log shall be kept which shows the offense which
17 is the basis for the detention, the reasons and
18 circumstances for the decision to detain and the length of
19 time the minor was in detention.

20 (v) Violation of the time limit on detention in a
21 county jail or municipal lockup shall not, in and of
22 itself, render inadmissible evidence obtained as a result
23 of the violation of this time limit. Minors under 18 years
24 of age shall be kept separate from confined adults and may
25 not at any time be kept in the same cell, room or yard with
26 adults confined pursuant to criminal law. Persons 18 years

1 of age and older who have a petition of delinquency filed
2 against them may be confined in an adult detention
3 facility. In making a determination whether to confine a
4 person 18 years of age or older who has a petition of
5 delinquency filed against the person, these factors, among
6 other matters, shall be considered:

7 (A) The age of the person;

8 (B) Any previous delinquent or criminal history of
9 the person;

10 (C) Any previous abuse or neglect history of the
11 person; and

12 (D) Any mental health or educational history of the
13 person, or both.

14 (d) (i) If a minor 12 years of age or older is confined in a
15 county jail in a county with a population below 3,000,000
16 inhabitants, then the minor's confinement shall be implemented
17 in such a manner that there will be no contact by sight, sound
18 or otherwise between the minor and adult prisoners. Minors 12
19 years of age or older must be kept separate from confined
20 adults and may not at any time be kept in the same cell, room,
21 or yard with confined adults. This paragraph (d) (i) shall only
22 apply to confinement pending an adjudicatory hearing and shall
23 not exceed 40 hours, excluding Saturdays, Sundays and court
24 designated holidays. To accept or hold minors during this time
25 period, county jails shall comply with all monitoring standards
26 promulgated by the Department of Corrections and training

1 standards approved by the Illinois Law Enforcement Training
2 Standards Board.

3 (ii) To accept or hold minors, 12 years of age or older,
4 after the time period prescribed in paragraph (d)(i) of this
5 subsection (2) of this Section but not exceeding 7 days
6 including Saturdays, Sundays and holidays pending an
7 adjudicatory hearing, county jails shall comply with all
8 temporary detention standards promulgated by the Department of
9 Corrections and training standards approved by the Illinois Law
10 Enforcement Training Standards Board.

11 (iii) To accept or hold minors 12 years of age or older,
12 after the time period prescribed in paragraphs (d)(i) and
13 (d)(ii) of this subsection (2) of this Section, county jails
14 shall comply with all programmatic and training standards for
15 juvenile detention homes promulgated by the Department of
16 Corrections.

17 (e) When a minor who is at least 15 years of age is
18 prosecuted under the criminal laws of this State, the court may
19 enter an order directing that the juvenile be confined in the
20 county jail. However, any juvenile confined in the county jail
21 under this provision shall be separated from adults who are
22 confined in the county jail in such a manner that there will be
23 no contact by sight, sound or otherwise between the juvenile
24 and adult prisoners.

25 (f) For purposes of appearing in a physical lineup, the
26 minor may be taken to a county jail or municipal lockup under

1 the direct and constant supervision of a juvenile police
2 officer. During such time as is necessary to conduct a lineup,
3 and while supervised by a juvenile police officer, the sight
4 and sound separation provisions shall not apply.

5 (g) For purposes of processing a minor, the minor may be
6 taken to a County Jail or municipal lockup under the direct and
7 constant supervision of a law enforcement officer or
8 correctional officer. During such time as is necessary to
9 process the minor, and while supervised by a law enforcement
10 officer or correctional officer, the sight and sound separation
11 provisions shall not apply.

12 (3) If the probation officer or State's Attorney (or such
13 other public officer designated by the court in a county having
14 3,000,000 or more inhabitants) determines that the minor may be
15 a delinquent minor as described in subsection (3) of Section
16 5-105, and should be retained in custody but does not require
17 physical restriction, the minor may be placed in non-secure
18 custody for up to 40 hours pending a detention hearing.

19 (4) Any minor taken into temporary custody, not requiring
20 secure detention, may, however, be detained in the home of his
21 or her parent or guardian subject to such conditions as the
22 court may impose.

23 (5) The changes made to this Section by Public Act 98-61
24 ~~this amendatory Act of the 98th General Assembly~~ apply to a
25 minor who has been arrested or taken into custody on or after
26 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~

1 ~~amendatory Act.~~

2 (Source: P.A. 98-61, eff. 1-1-14; revised 11-22-13.)

3 (705 ILCS 405/5-901)

4 Sec. 5-901. Court file.

5 (1) The Court file with respect to proceedings under this
6 Article shall consist of the petitions, pleadings, victim
7 impact statements, process, service of process, orders, writs
8 and docket entries reflecting hearings held and judgments and
9 decrees entered by the court. The court file shall be kept
10 separate from other records of the court.

11 (a) The file, including information identifying the
12 victim or alleged victim of any sex offense, shall be
13 disclosed only to the following parties when necessary for
14 discharge of their official duties:

15 (i) A judge of the circuit court and members of the
16 staff of the court designated by the judge;

17 (ii) Parties to the proceedings and their
18 attorneys;

19 (iii) Victims and their attorneys, except in cases
20 of multiple victims of sex offenses in which case the
21 information identifying the nonrequesting victims
22 shall be redacted;

23 (iv) Probation officers, law enforcement officers
24 or prosecutors or their staff;

25 (v) Adult and juvenile Prisoner Review Boards.

1 (b) The Court file redacted to remove any information
2 identifying the victim or alleged victim of any sex offense
3 shall be disclosed only to the following parties when
4 necessary for discharge of their official duties:

5 (i) Authorized military personnel;

6 (ii) Persons engaged in bona fide research, with
7 the permission of the judge of the juvenile court and
8 the chief executive of the agency that prepared the
9 particular recording: provided that publication of
10 such research results in no disclosure of a minor's
11 identity and protects the confidentiality of the
12 record;

13 (iii) The Secretary of State to whom the Clerk of
14 the Court shall report the disposition of all cases, as
15 required in Section 6-204 or Section 6-205.1 of the
16 Illinois Vehicle Code. However, information reported
17 relative to these offenses shall be privileged and
18 available only to the Secretary of State, courts, and
19 police officers;

20 (iv) The administrator of a bonafide substance
21 abuse student assistance program with the permission
22 of the presiding judge of the juvenile court;

23 (v) Any individual, or any public or private agency
24 or institution, having custody of the juvenile under
25 court order or providing educational, medical or
26 mental health services to the juvenile or a

1 court-approved advocate for the juvenile or any
2 placement provider or potential placement provider as
3 determined by the court.

4 (3) A minor who is the victim or alleged victim in a
5 juvenile proceeding shall be provided the same confidentiality
6 regarding disclosure of identity as the minor who is the
7 subject of record. Information identifying victims and alleged
8 victims of sex offenses, shall not be disclosed or open to
9 public inspection under any circumstances. Nothing in this
10 Section shall prohibit the victim or alleged victim of any sex
11 offense from voluntarily disclosing his or her identity.

12 (4) Relevant information, reports and records shall be made
13 available to the Department of Juvenile Justice when a juvenile
14 offender has been placed in the custody of the Department of
15 Juvenile Justice.

16 (5) Except as otherwise provided in this subsection (5),
17 juvenile court records shall not be made available to the
18 general public but may be inspected by representatives of
19 agencies, associations and news media or other properly
20 interested persons by general or special order of the court.
21 The State's Attorney, the minor, his or her parents, guardian
22 and counsel shall at all times have the right to examine court
23 files and records.

24 (a) The court shall allow the general public to have
25 access to the name, address, and offense of a minor who is
26 adjudicated a delinquent minor under this Act under either

1 of the following circumstances:

2 (i) The adjudication of delinquency was based upon
3 the minor's commission of first degree murder, attempt
4 to commit first degree murder, aggravated criminal
5 sexual assault, or criminal sexual assault; or

6 (ii) The court has made a finding that the minor
7 was at least 13 years of age at the time the act was
8 committed and the adjudication of delinquency was
9 based upon the minor's commission of: (A) an act in
10 furtherance of the commission of a felony as a member
11 of or on behalf of a criminal street gang, (B) an act
12 involving the use of a firearm in the commission of a
13 felony, (C) an act that would be a Class X felony
14 offense under or the minor's second or subsequent Class
15 2 or greater felony offense under the Cannabis Control
16 Act if committed by an adult, (D) an act that would be
17 a second or subsequent offense under Section 402 of the
18 Illinois Controlled Substances Act if committed by an
19 adult, (E) an act that would be an offense under
20 Section 401 of the Illinois Controlled Substances Act
21 if committed by an adult, or (F) an act that would be
22 an offense under the Methamphetamine Control and
23 Community Protection Act if committed by an adult.

24 (b) The court shall allow the general public to have
25 access to the name, address, and offense of a minor who is
26 at least 13 years of age at the time the offense is

1 committed and who is convicted, in criminal proceedings
2 permitted or required under Section 5-805, under either of
3 the following circumstances:

4 (i) The minor has been convicted of first degree
5 murder, attempt to commit first degree murder,
6 aggravated criminal sexual assault, or criminal sexual
7 assault,

8 (ii) The court has made a finding that the minor
9 was at least 13 years of age at the time the offense
10 was committed and the conviction was based upon the
11 minor's commission of: (A) an offense in furtherance of
12 the commission of a felony as a member of or on behalf
13 of a criminal street gang, (B) an offense involving the
14 use of a firearm in the commission of a felony, (C) a
15 Class X felony offense under the Cannabis Control Act
16 or a second or subsequent Class 2 or greater felony
17 offense under the Cannabis Control Act, (D) a second or
18 subsequent offense under Section 402 of the Illinois
19 Controlled Substances Act, (E) an offense under
20 Section 401 of the Illinois Controlled Substances Act,
21 or (F) an offense under the Methamphetamine Control and
22 Community Protection Act.

23 (6) Nothing in this Section shall be construed to limit the
24 use of a adjudication of delinquency as evidence in any
25 juvenile or criminal proceeding, where it would otherwise be
26 admissible under the rules of evidence, including but not

1 limited to, use as impeachment evidence against any witness,
2 including the minor if he or she testifies.

3 (7) Nothing in this Section shall affect the right of a
4 Civil Service Commission or appointing authority examining the
5 character and fitness of an applicant for a position as a law
6 enforcement officer to ascertain whether that applicant was
7 ever adjudicated to be a delinquent minor and, if so, to
8 examine the records or evidence which were made in proceedings
9 under this Act.

10 (8) Following any adjudication of delinquency for a crime
11 which would be a felony if committed by an adult, or following
12 any adjudication of delinquency for a violation of Section
13 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, the State's Attorney shall ascertain
15 whether the minor respondent is enrolled in school and, if so,
16 shall provide a copy of the sentencing order to the principal
17 or chief administrative officer of the school. Access to such
18 juvenile records shall be limited to the principal or chief
19 administrative officer of the school and any guidance counselor
20 designated by him or her.

21 (9) Nothing contained in this Act prevents the sharing or
22 disclosure of information or records relating or pertaining to
23 juveniles subject to the provisions of the Serious Habitual
24 Offender Comprehensive Action Program when that information is
25 used to assist in the early identification and treatment of
26 habitual juvenile offenders.

1 (11) The Clerk of the Circuit Court shall report to the
2 Department of State Police, in the form and manner required by
3 the Department of State Police, the final disposition of each
4 minor who has been arrested or taken into custody before his or
5 her 18th birthday for those offenses required to be reported
6 under Section 5 of the Criminal Identification Act. Information
7 reported to the Department under this Section may be maintained
8 with records that the Department files under Section 2.1 of the
9 Criminal Identification Act.

10 (12) Information or records may be disclosed to the general
11 public when the court is conducting hearings under Section
12 5-805 or 5-810.

13 (13) The changes made to this Section by Public Act 98-61
14 ~~this amendatory Act of the 98th General Assembly~~ apply to
15 juvenile court records of a minor who has been arrested or
16 taken into custody on or after January 1, 2014 (the effective
17 date of Public Act 98-61) ~~this amendatory Act~~.

18 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;
19 revised 11-22-13.)

20 (705 ILCS 405/5-905)

21 Sec. 5-905. Law enforcement records.

22 (1) Law Enforcement Records. Inspection and copying of law
23 enforcement records maintained by law enforcement agencies
24 that relate to a minor who has been arrested or taken into
25 custody before his or her 18th birthday shall be restricted to

1 the following and when necessary for the discharge of their
2 official duties:

3 (a) A judge of the circuit court and members of the
4 staff of the court designated by the judge;

5 (b) Law enforcement officers, probation officers or
6 prosecutors or their staff, or, when necessary for the
7 discharge of its official duties in connection with a
8 particular investigation of the conduct of a law
9 enforcement officer, an independent agency or its staff
10 created by ordinance and charged by a unit of local
11 government with the duty of investigating the conduct of
12 law enforcement officers;

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

16 (d) Adult and Juvenile Prisoner Review Boards;

17 (e) Authorized military personnel;

18 (f) Persons engaged in bona fide research, with the
19 permission of the judge of juvenile court and the chief
20 executive of the agency that prepared the particular
21 recording: provided that publication of such research
22 results in no disclosure of a minor's identity and protects
23 the confidentiality of the record;

24 (g) Individuals responsible for supervising or
25 providing temporary or permanent care and custody of minors
26 pursuant to orders of the juvenile court or directives from

1 officials of the Department of Children and Family Services
2 or the Department of Human Services who certify in writing
3 that the information will not be disclosed to any other
4 party except as provided under law or order of court;

5 (h) The appropriate school official only if the agency
6 or officer believes that there is an imminent threat of
7 physical harm to students, school personnel, or others who
8 are present in the school or on school grounds.

9 (A) Inspection and copying shall be limited to law
10 enforcement records transmitted to the appropriate
11 school official or officials whom the school has
12 determined to have a legitimate educational or safety
13 interest by a local law enforcement agency under a
14 reciprocal reporting system established and maintained
15 between the school district and the local law
16 enforcement agency under Section 10-20.14 of the
17 School Code concerning a minor enrolled in a school
18 within the school district who has been arrested or
19 taken into custody for any of the following offenses:

20 (i) any violation of Article 24 of the Criminal
21 Code of 1961 or the Criminal Code of 2012;

22 (ii) a violation of the Illinois Controlled
23 Substances Act;

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

25 (iv) a forcible felony as defined in Section
26 2-8 of the Criminal Code of 1961 or the Criminal

1 Code of 2012;

2 (v) a violation of the Methamphetamine Control
3 and Community Protection Act;

4 (vi) a violation of Section 1-2 of the
5 Harassing and Obscene Communications Act;

6 (vii) a violation of the Hazing Act; or

7 (viii) a violation of Section 12-1, 12-2,
8 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
9 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
10 Criminal Code of 1961 or the Criminal Code of 2012.

11 The information derived from the law enforcement
12 records shall be kept separate from and shall not
13 become a part of the official school record of that
14 child and shall not be a public record. The information
15 shall be used solely by the appropriate school official
16 or officials whom the school has determined to have a
17 legitimate educational or safety interest to aid in the
18 proper rehabilitation of the child and to protect the
19 safety of students and employees in the school. If the
20 designated law enforcement and school officials deem
21 it to be in the best interest of the minor, the student
22 may be referred to in-school or community based social
23 services if those services are available.
24 "Rehabilitation services" may include interventions by
25 school support personnel, evaluation for eligibility
26 for special education, referrals to community-based

1 agencies such as youth services, behavioral healthcare
2 service providers, drug and alcohol prevention or
3 treatment programs, and other interventions as deemed
4 appropriate for the student.

5 (B) Any information provided to appropriate school
6 officials whom the school has determined to have a
7 legitimate educational or safety interest by local law
8 enforcement officials about a minor who is the subject
9 of a current police investigation that is directly
10 related to school safety shall consist of oral
11 information only, and not written law enforcement
12 records, and shall be used solely by the appropriate
13 school official or officials to protect the safety of
14 students and employees in the school and aid in the
15 proper rehabilitation of the child. The information
16 derived orally from the local law enforcement
17 officials shall be kept separate from and shall not
18 become a part of the official school record of the
19 child and shall not be a public record. This limitation
20 on the use of information about a minor who is the
21 subject of a current police investigation shall in no
22 way limit the use of this information by prosecutors in
23 pursuing criminal charges arising out of the
24 information disclosed during a police investigation of
25 the minor. For purposes of this paragraph,
26 "investigation" means an official systematic inquiry

1 by a law enforcement agency into actual or suspected
2 criminal activity;

3 (i) The president of a park district. Inspection and
4 copying shall be limited to law enforcement records
5 transmitted to the president of the park district by the
6 Illinois State Police under Section 8-23 of the Park
7 District Code or Section 16a-5 of the Chicago Park District
8 Act concerning a person who is seeking employment with that
9 park district and who has been adjudicated a juvenile
10 delinquent for any of the offenses listed in subsection (c)
11 of Section 8-23 of the Park District Code or subsection (c)
12 of Section 16a-5 of the Chicago Park District Act.

13 (2) Information identifying victims and alleged victims of
14 sex offenses, shall not be disclosed or open to public
15 inspection under any circumstances. Nothing in this Section
16 shall prohibit the victim or alleged victim of any sex offense
17 from voluntarily disclosing his or her identity.

18 (2.5) If the minor is a victim of aggravated battery,
19 battery, attempted first degree murder, or other non-sexual
20 violent offense, the identity of the victim may be disclosed to
21 appropriate school officials, for the purpose of preventing
22 foreseeable future violence involving minors, by a local law
23 enforcement agency pursuant to an agreement established
24 between the school district and a local law enforcement agency
25 subject to the approval by the presiding judge of the juvenile
26 court.

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

5 (4) Nothing in this Section shall prohibit the inspection
6 or disclosure to victims and witnesses of photographs contained
7 in the records of law enforcement agencies when the inspection
8 or disclosure is conducted in the presence of a law enforcement
9 officer for purposes of identification or apprehension of any
10 person in the course of any criminal investigation or
11 prosecution.

12 (5) The records of law enforcement officers, or of an
13 independent agency created by ordinance and charged by a unit
14 of local government with the duty of investigating the conduct
15 of law enforcement officers, concerning all minors under 18
16 years of age must be maintained separate from the records of
17 adults and may not be open to public inspection or their
18 contents disclosed to the public except by order of the court
19 or when the institution of criminal proceedings has been
20 permitted under Section 5-130 or 5-805 or required under
21 Section 5-130 or 5-805 or such a person has been convicted of a
22 crime and is the subject of pre-sentence investigation or when
23 provided by law.

24 (6) Except as otherwise provided in this subsection (6),
25 law enforcement officers, and personnel of an independent
26 agency created by ordinance and charged by a unit of local

1 government with the duty of investigating the conduct of law
2 enforcement officers, may not disclose the identity of any
3 minor in releasing information to the general public as to the
4 arrest, investigation or disposition of any case involving a
5 minor. Any victim or parent or legal guardian of a victim may
6 petition the court to disclose the name and address of the
7 minor and the minor's parents or legal guardian, or both. Upon
8 a finding by clear and convincing evidence that the disclosure
9 is either necessary for the victim to pursue a civil remedy
10 against the minor or the minor's parents or legal guardian, or
11 both, or to protect the victim's person or property from the
12 minor, then the court may order the disclosure of the
13 information to the victim or to the parent or legal guardian of
14 the victim only for the purpose of the victim pursuing a civil
15 remedy against the minor or the minor's parents or legal
16 guardian, or both, or to protect the victim's person or
17 property from the minor.

18 (7) Nothing contained in this Section shall prohibit law
19 enforcement agencies when acting in their official capacity
20 from communicating with each other by letter, memorandum,
21 teletype or intelligence alert bulletin or other means the
22 identity or other relevant information pertaining to a person
23 under 18 years of age. The information provided under this
24 subsection (7) shall remain confidential and shall not be
25 publicly disclosed, except as otherwise allowed by law.

26 (8) No person shall disclose information under this Section

1 except when acting in his or her official capacity and as
2 provided by law or order of court.

3 (9) The changes made to this Section by Public Act 98-61
4 ~~this amendatory Act of the 98th General Assembly~~ apply to law
5 enforcement records of a minor who has been arrested or taken
6 into custody on or after January 1, 2014 (the effective date of
7 Public Act 98-61) ~~this amendatory Act~~.

8 (Source: P.A. 97-700, eff. 6-22-12; 97-1104, eff. 1-1-13;
9 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14; revised 11-22-13.)

10 (705 ILCS 405/5-915)

11 Sec. 5-915. Expungement of juvenile law enforcement and
12 court records.

13 (0.05) For purposes of this Section and Section 5-622:

14 "Expunge" means to physically destroy the records and
15 to obliterate the minor's name from any official index or
16 public record, or both. Nothing in this Act shall require
17 the physical destruction of the internal office records,
18 files, or databases maintained by a State's Attorney's
19 Office or other prosecutor.

20 "Law enforcement record" includes but is not limited to
21 records of arrest, station adjustments, fingerprints,
22 probation adjustments, the issuance of a notice to appear,
23 or any other records maintained by a law enforcement agency
24 relating to a minor suspected of committing an offense.

25 (1) Whenever any person has attained the age of 18 or

1 whenever all juvenile court proceedings relating to that person
2 have been terminated, whichever is later, the person may
3 petition the court to expunge law enforcement records relating
4 to incidents occurring before his or her 18th birthday or his
5 or her juvenile court records, or both, but only in the
6 following circumstances:

7 (a) the minor was arrested and no petition for
8 delinquency was filed with the clerk of the circuit court;
9 or

10 (b) the minor was charged with an offense and was found
11 not delinquent of that offense; or

12 (c) the minor was placed under supervision pursuant to
13 Section 5-615, and the order of supervision has since been
14 successfully terminated; or

15 (d) the minor was adjudicated for an offense which
16 would be a Class B misdemeanor, Class C misdemeanor, or a
17 petty or business offense if committed by an adult.

18 (2) Any person may petition the court to expunge all law
19 enforcement records relating to any incidents occurring before
20 his or her 18th birthday which did not result in proceedings in
21 criminal court and all juvenile court records with respect to
22 any adjudications except those based upon first degree murder
23 and sex offenses which would be felonies if committed by an
24 adult, if the person for whom expungement is sought has had no
25 convictions for any crime since his or her 18th birthday and:

26 (a) has attained the age of 21 years; or

1 (b) 5 years have elapsed since all juvenile court
2 proceedings relating to him or her have been terminated or
3 his or her commitment to the Department of Juvenile Justice
4 pursuant to this Act has been terminated;

5 whichever is later of (a) or (b). Nothing in this Section 5-915
6 precludes a minor from obtaining expungement under Section
7 5-622.

8 (2.5) If a minor is arrested and no petition for
9 delinquency is filed with the clerk of the circuit court as
10 provided in paragraph (a) of subsection (1) at the time the
11 minor is released from custody, the youth officer, if
12 applicable, or other designated person from the arresting
13 agency, shall notify verbally and in writing to the minor or
14 the minor's parents or guardians that if the State's Attorney
15 does not file a petition for delinquency, the minor has a right
16 to petition to have his or her arrest record expunged when the
17 minor attains the age of 18 or when all juvenile court
18 proceedings relating to that minor have been terminated and
19 that unless a petition to expunge is filed, the minor shall
20 have an arrest record and shall provide the minor and the
21 minor's parents or guardians with an expungement information
22 packet, including a petition to expunge juvenile records
23 obtained from the clerk of the circuit court.

24 (2.6) If a minor is charged with an offense and is found
25 not delinquent of that offense; or if a minor is placed under
26 supervision under Section 5-615, and the order of supervision

1 is successfully terminated; or if a minor is adjudicated for an
2 offense that would be a Class B misdemeanor, a Class C
3 misdemeanor, or a business or petty offense if committed by an
4 adult; or if a minor has incidents occurring before his or her
5 18th birthday that have not resulted in proceedings in criminal
6 court, or resulted in proceedings in juvenile court, and the
7 adjudications were not based upon first degree murder or sex
8 offenses that would be felonies if committed by an adult; then
9 at the time of sentencing or dismissal of the case, the judge
10 shall inform the delinquent minor of his or her right to
11 petition for expungement as provided by law, and the clerk of
12 the circuit court shall provide an expungement information
13 packet to the delinquent minor, written in plain language,
14 including a petition for expungement, a sample of a completed
15 petition, expungement instructions that shall include
16 information informing the minor that (i) once the case is
17 expunged, it shall be treated as if it never occurred, (ii) he
18 or she may apply to have petition fees waived, (iii) once he or
19 she obtains an expungement, he or she may not be required to
20 disclose that he or she had a juvenile record, and (iv) he or
21 she may file the petition on his or her own or with the
22 assistance of an attorney. The failure of the judge to inform
23 the delinquent minor of his or her right to petition for
24 expungement as provided by law does not create a substantive
25 right, nor is that failure grounds for: (i) a reversal of an
26 adjudication of delinquency, (ii) a new trial; or (iii) an

1 appeal.

2 (2.7) For counties with a population over 3,000,000, the
 3 clerk of the circuit court shall send a "Notification of a
 4 Possible Right to Expungement" post card to the minor at the
 5 address last received by the clerk of the circuit court on the
 6 date that the minor attains the age of 18 based on the
 7 birthdate provided to the court by the minor or his or her
 8 guardian in cases under paragraphs (b), (c), and (d) of
 9 subsection (1); and when the minor attains the age of 21 based
 10 on the birthdate provided to the court by the minor or his or
 11 her guardian in cases under subsection (2).

12 (2.8) The petition for expungement for subsection (1) shall
 13 be substantially in the following form:

14 IN THE CIRCUIT COURT OF, ILLINOIS
 15 JUDICIAL CIRCUIT

16 IN THE INTEREST OF) NO.
 17)
 18)
 19)
 20 (Name of Petitioner)

21 PETITION TO EXPUNGE JUVENILE RECORDS
 22 (705 ILCS 405/5-915 (SUBSECTION 1))

23 (Please prepare a separate petition for each offense)

24 Now comes, petitioner, and respectfully requests

1 that this Honorable Court enter an order expunging all juvenile
2 law enforcement and court records of petitioner and in support
3 thereof states that: Petitioner has attained the age of 18,
4 his/her birth date being, or all Juvenile Court
5 proceedings terminated as of, whichever occurred later.
6 Petitioner was arrested on by the Police
7 Department for the offense of, and:

8 (Check One:)

9 () a. no petition was filed with the Clerk of the Circuit
10 Court.

11 () b. was charged with and was found not delinquent of
12 the offense.

13 () c. a petition was filed and the petition was dismissed
14 without a finding of delinquency on

15 () d. on placed under supervision pursuant to Section
16 5-615 of the Juvenile Court Act of 1987 and such order of
17 supervision successfully terminated on

18 () e. was adjudicated for the offense, which would have been a
19 Class B misdemeanor, a Class C misdemeanor, or a petty offense
20 or business offense if committed by an adult.

21 Petitioner has has not been arrested on charges in
22 this or any county other than the charges listed above. If
23 petitioner has been arrested on additional charges, please list
24 the charges below:

25 Charge(s):

26 Arresting Agency or Agencies:

1 Disposition/Result: (choose from a. through e., above):

2 WHEREFORE, the petitioner respectfully requests this Honorable
3 Court to (1) order all law enforcement agencies to expunge all
4 records of petitioner to this incident, and (2) to order the
5 Clerk of the Court to expunge all records concerning the
6 petitioner regarding this incident.

7

8 Petitioner (Signature)

9

10 Petitioner's Street Address

11

12 City, State, Zip Code

13

14 Petitioner's Telephone Number

15 Pursuant to the penalties of perjury under the Code of Civil
16 Procedure, 735 ILCS 5/1-109, I hereby certify that the
17 statements in this petition are true and correct, or on
18 information and belief I believe the same to be true.

19

20 Petitioner (Signature)

1 The Petition for Expungement for subsection (2) shall be
2 substantially in the following form:

3 IN THE CIRCUIT COURT OF, ILLINOIS
4 JUDICIAL CIRCUIT

5 IN THE INTEREST OF) NO.
6)
7)
8)
9 (Name of Petitioner)

10 PETITION TO EXPUNGE JUVENILE RECORDS
11 (705 ILCS 405/5-915 (SUBSECTION 2))

12 (Please prepare a separate petition for each offense)

13 Now comes, petitioner, and respectfully requests
14 that this Honorable Court enter an order expunging all Juvenile
15 Law Enforcement and Court records of petitioner and in support
16 thereof states that:

17 The incident for which the Petitioner seeks expungement
18 occurred before the Petitioner's 18th birthday and did not
19 result in proceedings in criminal court and the Petitioner has
20 not had any convictions for any crime since his/her 18th
21 birthday; and

22 The incident for which the Petitioner seeks expungement
23 occurred before the Petitioner's 18th birthday and the

1 adjudication was not based upon first-degree murder or sex
2 offenses which would be felonies if committed by an adult, and
3 the Petitioner has not had any convictions for any crime since
4 his/her 18th birthday.

5 Petitioner was arrested on by the Police
6 Department for the offense of, and:

7 (Check whichever one occurred the latest:)

8 () a. The Petitioner has attained the age of 21 years, his/her
9 birthday being

10 () b. 5 years have elapsed since all juvenile court
11 proceedings relating to the Petitioner have been terminated; or
12 the Petitioner's commitment to the Department of Juvenile
13 Justice pursuant to the expungement of juvenile law enforcement
14 and court records provisions of the Juvenile Court Act of 1987
15 has been terminated. Petitioner ...has ...has not been arrested
16 on charges in this or any other county other than the charge
17 listed above. If petitioner has been arrested on additional
18 charges, please list the charges below:

19 Charge(s):

20 Arresting Agency or Agencies:

21 Disposition/Result: (choose from a or b, above):

22 WHEREFORE, the petitioner respectfully requests this Honorable
23 Court to (1) order all law enforcement agencies to expunge all
24 records of petitioner related to this incident, and (2) to
25 order the Clerk of the Court to expunge all records concerning
26 the petitioner regarding this incident.

1
.....

2 Petitioner (Signature)

3
.....

4 Petitioner's Street Address

5
.....

6 City, State, Zip Code

7
.....

8 Petitioner's Telephone Number

9 Pursuant to the penalties of perjury under the Code of Civil
10 Procedure, 735 ILCS 5/1-109, I hereby certify that the
11 statements in this petition are true and correct, or on
12 information and belief I believe the same to be true.

13
.....

14 Petitioner (Signature)

15 (3) The chief judge of the circuit in which an arrest was
16 made or a charge was brought or any judge of that circuit
17 designated by the chief judge may, upon verified petition of a
18 person who is the subject of an arrest or a juvenile court
19 proceeding under subsection (1) or (2) of this Section, order
20 the law enforcement records or official court file, or both, to
21 be expunged from the official records of the arresting
22 authority, the clerk of the circuit court and the Department of

1 State Police. The person whose records are to be expunged shall
2 petition the court using the appropriate form containing his or
3 her current address and shall promptly notify the clerk of the
4 circuit court of any change of address. Notice of the petition
5 shall be served upon the State's Attorney or prosecutor charged
6 with the duty of prosecuting the offense, the Department of
7 State Police, and the arresting agency or agencies by the clerk
8 of the circuit court. If an objection is filed within 45 days
9 of the notice of the petition, the clerk of the circuit court
10 shall set a date for hearing after the 45 day objection period.
11 At the hearing the court shall hear evidence on whether the
12 expungement should or should not be granted. Unless the State's
13 Attorney or prosecutor, the Department of State Police, or an
14 arresting agency objects to the expungement within 45 days of
15 the notice, the court may enter an order granting expungement.
16 The person whose records are to be expunged shall pay the clerk
17 of the circuit court a fee equivalent to the cost associated
18 with expungement of records by the clerk and the Department of
19 State Police. The clerk shall forward a certified copy of the
20 order to the Department of State Police, the appropriate
21 portion of the fee to the Department of State Police for
22 processing, and deliver a certified copy of the order to the
23 arresting agency.

24 (3.1) The Notice of Expungement shall be in substantially
25 the following form:

26 IN THE CIRCUIT COURT OF, ILLINOIS

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.... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.
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)
(Name of Petitioner)

NOTICE

TO: State's Attorney
TO: Arresting Agency
.....
.....
.....
.....
TO: Illinois State Police
.....
.....
ATTENTION: Expungement
You are hereby notified that on, at, in courtroom
..., located at ..., before the Honorable ..., Judge, or any
judge sitting in his/her stead, I shall then and there present

1 a Petition to Expunge Juvenile records in the above-entitled
2 matter, at which time and place you may appear.

3

4 Petitioner's Signature

5

6 Petitioner's Street Address

7

8 City, State, Zip Code

9

10 Petitioner's Telephone Number

11 PROOF OF SERVICE

12 On the day of, 20..., I on oath state that I
13 served this notice and true and correct copies of the
14 above-checked documents by:

15 (Check One:)

16 delivering copies personally to each entity to whom they are
17 directed;

18 or

19 by mailing copies to each entity to whom they are directed by
20 depositing the same in the U.S. Mail, proper postage fully
21 prepaid, before the hour of 5:00 p.m., at the United States
22 Postal Depository located at

23

24
25 Signature

26 Clerk of the Circuit Court or Deputy Clerk

1 Printed Name of Delinquent Minor/Petitioner:

2 Address:

3 Telephone Number:

4 (3.2) The Order of Expungement shall be in substantially
5 the following form:

6 IN THE CIRCUIT COURT OF, ILLINOIS
7 JUDICIAL CIRCUIT

8 IN THE INTEREST OF) NO.

9)

10)

11)

12 (Name of Petitioner)

13 DOB

14 Arresting Agency/Agencies

15 ORDER OF EXPUNGEMENT

16 (705 ILCS 405/5-915 (SUBSECTION 3))

17 This matter having been heard on the petitioner's motion and
18 the court being fully advised in the premises does find that
19 the petitioner is indigent or has presented reasonable cause to
20 waive all costs in this matter, IT IS HEREBY ORDERED that:

21 () 1. Clerk of Court and Department of State Police costs
22 are hereby waived in this matter.

23 () 2. The Illinois State Police Bureau of Identification
24 and the following law enforcement agencies expunge all records

1 of petitioner relating to an arrest dated for the
2 offense of

3 Law Enforcement Agencies:
4
5

6 () 3. IT IS FURTHER ORDERED that the Clerk of the Circuit
7 Court expunge all records regarding the above-captioned case.

8 ENTER:

9

10 JUDGE

11 DATED:

12 Name:

13 Attorney for:

14 Address: City/State/Zip:

15 Attorney Number:

16 (3.3) The Notice of Objection shall be in substantially the
17 following form:

18 IN THE CIRCUIT COURT OF, ILLINOIS
19 JUDICIAL CIRCUIT

20 IN THE INTEREST OF) NO.

21)

22)

23)

24 (Name of Petitioner)

NOTICE OF OBJECTION

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TO:(Attorney, Public Defender, Minor)

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TO:(Illinois State Police)

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.....

TO:(Clerk of the Court)

.....
.....

TO:(Judge)

.....
.....

TO:(Arresting Agency/Agencies)

.....
.....

ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:

- () State's Attorney's Office;
- () Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
- () Department of Illinois State Police; or
- () Arresting Agency or Agencies.

The agency checked above respectfully requests that this case be continued and set for hearing on whether the expungement

1 should or should not be granted.

2 DATED:

3 Name:

4 Attorney For:

5 Address:

6 City/State/Zip:

7 Telephone:

8 Attorney No.:

9 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

10 This matter has been set for hearing on the foregoing
11 objection, on in room, located at, before the
12 Honorable, Judge, or any judge sitting in his/her stead.
13 (Only one hearing shall be set, regardless of the number of
14 Notices of Objection received on the same case).

15 A copy of this completed Notice of Objection containing the
16 court date, time, and location, has been sent via regular U.S.
17 Mail to the following entities. (If more than one Notice of
18 Objection is received on the same case, each one must be
19 completed with the court date, time and location and mailed to
20 the following entities):

21 () Attorney, Public Defender or Minor;

22 () State's Attorney's Office;

23 () Prosecutor (other than State's Attorney's Office) charged
24 with the duty of prosecuting the offense sought to be expunged;

25 () Department of Illinois State Police; and

26 () Arresting agency or agencies.

1 Date:

2 Initials of Clerk completing this section:

3 (4) Upon entry of an order expunging records or files, the
4 offense, which the records or files concern shall be treated as
5 if it never occurred. Law enforcement officers and other public
6 offices and agencies shall properly reply on inquiry that no
7 record or file exists with respect to the person.

8 (5) Records which have not been expunged are sealed, and
9 may be obtained only under the provisions of Sections 5-901,
10 5-905 and 5-915.

11 (6) Nothing in this Section shall be construed to prohibit
12 the maintenance of information relating to an offense after
13 records or files concerning the offense have been expunged if
14 the information is kept in a manner that does not enable
15 identification of the offender. This information may only be
16 used for statistical and bona fide research purposes.

17 (7)(a) The State Appellate Defender shall establish,
18 maintain, and carry out, by December 31, 2004, a juvenile
19 expungement program to provide information and assistance to
20 minors eligible to have their juvenile records expunged.

21 (b) The State Appellate Defender shall develop brochures,
22 pamphlets, and other materials in printed form and through the
23 agency's World Wide Web site. The pamphlets and other materials
24 shall include at a minimum the following information:

25 (i) An explanation of the State's juvenile expungement
26 process;

1 (ii) The circumstances under which juvenile
2 expungement may occur;

3 (iii) The juvenile offenses that may be expunged;

4 (iv) The steps necessary to initiate and complete the
5 juvenile expungement process; and

6 (v) Directions on how to contact the State Appellate
7 Defender.

8 (c) The State Appellate Defender shall establish and
9 maintain a statewide toll-free telephone number that a person
10 may use to receive information or assistance concerning the
11 expungement of juvenile records. The State Appellate Defender
12 shall advertise the toll-free telephone number statewide. The
13 State Appellate Defender shall develop an expungement
14 information packet that may be sent to eligible persons seeking
15 expungement of their juvenile records, which may include, but
16 is not limited to, a pre-printed expungement petition with
17 instructions on how to complete the petition and a pamphlet
18 containing information that would assist individuals through
19 the juvenile expungement process.

20 (d) The State Appellate Defender shall compile a statewide
21 list of volunteer attorneys willing to assist eligible
22 individuals through the juvenile expungement process.

23 (e) This Section shall be implemented from funds
24 appropriated by the General Assembly to the State Appellate
25 Defender for this purpose. The State Appellate Defender shall
26 employ the necessary staff and adopt the necessary rules for

1 implementation of this Section.

2 (8) (a) Except with respect to law enforcement agencies, the
3 Department of Corrections, State's Attorneys, or other
4 prosecutors, an expunged juvenile record may not be considered
5 by any private or public entity in employment matters,
6 certification, licensing, revocation of certification or
7 licensure, or registration. Applications for employment must
8 contain specific language that states that the applicant is not
9 obligated to disclose expunged juvenile records of conviction
10 or arrest. Employers may not ask if an applicant has had a
11 juvenile record expunged. Effective January 1, 2005, the
12 Department of Labor shall develop a link on the Department's
13 website to inform employers that employers may not ask if an
14 applicant had a juvenile record expunged and that application
15 for employment must contain specific language that states that
16 the applicant is not obligated to disclose expunged juvenile
17 records of arrest or conviction.

18 (b) A person whose juvenile records have been expunged is
19 not entitled to remission of any fines, costs, or other money
20 paid as a consequence of expungement. This amendatory Act of
21 the 93rd General Assembly does not affect the right of the
22 victim of a crime to prosecute or defend a civil action for
23 damages.

24 (c) The expungement of juvenile records under Section 5-622
25 shall be funded by the additional fine imposed under Section
26 5-9-1.17 of the Unified Code of Corrections and additional

1 appropriations made by the General Assembly for such purpose.

2 (9) The changes made to this Section by Public Act 98-61
3 ~~this amendatory Act of the 98th General Assembly~~ apply to law
4 enforcement records of a minor who has been arrested or taken
5 into custody on or after January 1, 2014 (the effective date of
6 Public Act 98-61) ~~this amendatory Act~~.

7 (Source: P.A. 98-61, eff. 1-1-14; revised 3-27-14.)

8 Section 695. The Criminal Code of 2012 is amended by
9 changing Sections 2-10.1, 3-6, 10-9, 11-1.40, 11-9.1B, 11-14,
10 12-3.05, 12C-10, 19-4, 21-1.3, 31A-1.1, 33-1, and 33E-18 as
11 follows:

12 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

13 Sec. 2-10.1. "Severely or profoundly intellectually
14 disabled person" means a person (i) whose intelligence quotient
15 does not exceed 40 or (ii) whose intelligence quotient does not
16 exceed 55 and who suffers from significant mental illness to
17 the extent that the person's ability to exercise rational
18 judgment is impaired. In any proceeding in which the defendant
19 is charged with committing a violation of Section 10-2, 10-5,
20 11-1.30, 11-1.60, 11-14.4, 11-15.1, 11-19.1, 11-19.2, 11-20.1,
21 11-20.1B, 11-20.3, 12-4.3, 12-14, or 12-16, or subdivision
22 (b) (1) of Section 12-3.05, of this Code against a victim who is
23 alleged to be a severely or profoundly intellectually disabled
24 person, any findings concerning the victim's status as a

1 severely or profoundly intellectually disabled person, made by
2 a court after a judicial admission hearing concerning the
3 victim under Articles V and VI of Chapter IV 4 of the Mental
4 Health and Developmental Disabilities Code shall be
5 admissible.

6 (Source: P.A. 96-1551, Article 1, Section 960, eff. 7-1-11;
7 96-1551, Article 2, Section 1035, eff. 7-1-11; 97-227, eff.
8 1-1-12; 97-1109, eff. 1-1-13; revised 9-11-13.)

9 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

10 Sec. 3-6. Extended limitations. The period within which a
11 prosecution must be commenced under the provisions of Section
12 3-5 or other applicable statute is extended under the following
13 conditions:

14 (a) A prosecution for theft involving a breach of a
15 fiduciary obligation to the aggrieved person may be commenced
16 as follows:

17 (1) If the aggrieved person is a minor or a person
18 under legal disability, then during the minority or legal
19 disability or within one year after the termination
20 thereof.

21 (2) In any other instance, within one year after the
22 discovery of the offense by an aggrieved person, or by a
23 person who has legal capacity to represent an aggrieved
24 person or has a legal duty to report the offense, and is
25 not himself or herself a party to the offense; or in the

1 absence of such discovery, within one year after the proper
2 prosecuting officer becomes aware of the offense. However,
3 in no such case is the period of limitation so extended
4 more than 3 years beyond the expiration of the period
5 otherwise applicable.

6 (b) A prosecution for any offense based upon misconduct in
7 office by a public officer or employee may be commenced within
8 one year after discovery of the offense by a person having a
9 legal duty to report such offense, or in the absence of such
10 discovery, within one year after the proper prosecuting officer
11 becomes aware of the offense. However, in no such case is the
12 period of limitation so extended more than 3 years beyond the
13 expiration of the period otherwise applicable.

14 (b-5) When the victim is under 18 years of age at the time
15 of the offense, a prosecution for involuntary servitude,
16 involuntary sexual servitude of a minor, or trafficking in
17 persons and related offenses under Section 10-9 of this Code
18 may be commenced within one year of the victim attaining the
19 age of 18 years. However, in no such case shall the time period
20 for prosecution expire sooner than 3 years after the commission
21 of the offense.

22 (c) (Blank).

23 (d) A prosecution for child pornography, aggravated child
24 pornography, indecent solicitation of a child, soliciting for a
25 juvenile prostitute, juvenile pimping, exploitation of a
26 child, or promoting juvenile prostitution except for keeping a

1 place of juvenile prostitution may be commenced within one year
2 of the victim attaining the age of 18 years. However, in no
3 such case shall the time period for prosecution expire sooner
4 than 3 years after the commission of the offense. When the
5 victim is under 18 years of age, a prosecution for criminal
6 sexual abuse may be commenced within one year of the victim
7 attaining the age of 18 years. However, in no such case shall
8 the time period for prosecution expire sooner than 3 years
9 after the commission of the offense.

10 (e) Except as otherwise provided in subdivision (j), a
11 prosecution for any offense involving sexual conduct or sexual
12 penetration, as defined in Section 11-0.1 of this Code, where
13 the defendant was within a professional or fiduciary
14 relationship or a purported professional or fiduciary
15 relationship with the victim at the time of the commission of
16 the offense may be commenced within one year after the
17 discovery of the offense by the victim.

18 (f) A prosecution for any offense set forth in Section 44
19 of the "Environmental Protection Act", approved June 29, 1970,
20 as amended, may be commenced within 5 years after the discovery
21 of such an offense by a person or agency having the legal duty
22 to report the offense or in the absence of such discovery,
23 within 5 years after the proper prosecuting officer becomes
24 aware of the offense.

25 (f-5) A prosecution for any offense set forth in Section
26 16-30 of this Code may be commenced within 5 years after the

1 discovery of the offense by the victim of that offense.

2 (g) (Blank).

3 (h) (Blank).

4 (i) Except as otherwise provided in subdivision (j), a
5 prosecution for criminal sexual assault, aggravated criminal
6 sexual assault, or aggravated criminal sexual abuse may be
7 commenced within 10 years of the commission of the offense if
8 the victim reported the offense to law enforcement authorities
9 within 3 years after the commission of the offense.

10 Nothing in this subdivision (i) shall be construed to
11 shorten a period within which a prosecution must be commenced
12 under any other provision of this Section.

13 (j) (1) When the victim is under 18 years of age at the
14 time of the offense, a prosecution for criminal sexual assault,
15 aggravated criminal sexual assault, predatory criminal sexual
16 assault of a child, aggravated criminal sexual abuse, or felony
17 criminal sexual abuse may be commenced at any time when
18 corroborating physical evidence is available or an individual
19 who is required to report an alleged or suspected commission of
20 any of these offenses under the Abused and Neglected Child
21 Reporting Act fails to do so.

22 (2) In circumstances other than as described in paragraph
23 (1) of this subsection (j), when the victim is under 18 years
24 of age at the time of the offense, a prosecution for criminal
25 sexual assault, aggravated criminal sexual assault, predatory
26 criminal sexual assault of a child, aggravated criminal sexual

1 abuse, or felony criminal sexual abuse, or a prosecution for
2 failure of a person who is required to report an alleged or
3 suspected commission of any of these offenses under the Abused
4 and Neglected Child Reporting Act may be commenced within 20
5 years after the child victim attains 18 years of age.

6 (3) When the victim is under 18 years of age at the time of
7 the offense, a prosecution for misdemeanor criminal sexual
8 abuse may be commenced within 10 years after the child victim
9 attains 18 years of age.

10 (4) Nothing in this subdivision (j) shall be construed to
11 shorten a period within which a prosecution must be commenced
12 under any other provision of this Section.

13 (k) A prosecution for theft involving real property
14 exceeding \$100,000 in value under Section 16-1, identity theft
15 under subsection (a) of Section 16-30, aggravated identity
16 theft under subsection (b) of Section 16-30, or any offense set
17 forth in Article 16H or Section 17-10.6 may be commenced within
18 7 years of the last act committed in furtherance of the crime.

19 (l) A prosecution for any offense set forth in Section 26-4
20 of this Code may be commenced within one year after the
21 discovery of the offense by the victim of that offense.

22 (Source: P.A. 97-597, eff. 1-1-12; 97-897, eff. 1-1-13; 98-293,
23 eff. 1-1-14; 98-379, eff. 1-1-14; revised 9-24-13.)

24 (720 ILCS 5/10-9)

25 Sec. 10-9. Trafficking in persons, involuntary servitude,

1 and related offenses.

2 (a) Definitions. In this Section:

3 (1) "Intimidation" has the meaning prescribed in
4 Section 12-6.

5 (2) "Commercial sexual activity" means any sex act on
6 account of which anything of value is given, promised to,
7 or received by any person.

8 (3) "Financial harm" includes intimidation that brings
9 about financial loss, criminal usury, or employment
10 contracts that violate the Frauds Act.

11 (4) (Blank). "

12 (5) "Labor" means work of economic or financial value.

13 (6) "Maintain" means, in relation to labor or services,
14 to secure continued performance thereof, regardless of any
15 initial agreement on the part of the victim to perform that
16 type of service.

17 (7) "Obtain" means, in relation to labor or services,
18 to secure performance thereof.

19 (7.5) "Serious harm" means any harm, whether physical
20 or nonphysical, including psychological, financial, or
21 reputational harm, that is sufficiently serious, under all
22 the surrounding circumstances, to compel a reasonable
23 person of the same background and in the same circumstances
24 to perform or to continue performing labor or services in
25 order to avoid incurring that harm.

26 (8) "Services" means activities resulting from a

1 relationship between a person and the actor in which the
2 person performs activities under the supervision of or for
3 the benefit of the actor. Commercial sexual activity and
4 sexually-explicit performances are forms of activities
5 that are "services" under this Section. Nothing in this
6 definition may be construed to legitimize or legalize
7 prostitution.

8 (9) "Sexually-explicit performance" means a live,
9 recorded, broadcast (including over the Internet), or
10 public act or show intended to arouse or satisfy the sexual
11 desires or appeal to the prurient interests of patrons.

12 (10) "Trafficking victim" means a person subjected to
13 the practices set forth in subsection (b), (c), or (d).

14 (b) Involuntary servitude. A person commits involuntary
15 servitude when he or she knowingly subjects, attempts to
16 subject, or engages in a conspiracy to subject another person
17 to labor or services obtained or maintained through any of the
18 following means, or any combination of these means:

19 (1) causes or threatens to cause physical harm to any
20 person;

21 (2) physically restrains or threatens to physically
22 restrain another person;

23 (3) abuses or threatens to abuse the law or legal
24 process;

25 (4) knowingly destroys, conceals, removes,
26 confiscates, or possesses any actual or purported passport

1 or other immigration document, or any other actual or
2 purported government identification document, of another
3 person;

4 (5) uses intimidation, or exerts financial control
5 over any person; or

6 (6) uses any scheme, plan, or pattern intended to cause
7 the person to believe that, if the person did not perform
8 the labor or services, that person or another person would
9 suffer serious harm or physical restraint.

10 Sentence. Except as otherwise provided in subsection (e) or
11 (f), a violation of subsection (b)(1) is a Class X felony,
12 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)
13 is a Class 3 felony, (b)(5) and (b)(6) is a Class 4 felony.

14 (c) Involuntary sexual servitude of a minor. A person
15 commits involuntary sexual servitude of a minor when he or she
16 knowingly recruits, entices, harbors, transports, provides, or
17 obtains by any means, or attempts to recruit, entice, harbor,
18 provide, or obtain by any means, another person under 18 years
19 of age, knowing that the minor will engage in commercial sexual
20 activity, a sexually-explicit performance, or the production
21 of pornography, or causes or attempts to cause a minor to
22 engage in one or more of those activities and:

23 (1) there is no overt force or threat and the minor is
24 between the ages of 17 and 18 years;

25 (2) there is no overt force or threat and the minor is
26 under the age of 17 years; or

1 (3) there is overt force or threat.

2 Sentence. Except as otherwise provided in subsection (e) or
3 (f), a violation of subsection (c)(1) is a Class 1 felony,
4 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

5 (d) Trafficking in persons. A person commits trafficking in
6 persons when he or she knowingly: (1) recruits, entices,
7 harbors, transports, provides, or obtains by any means, or
8 attempts to recruit, entice, harbor, transport, provide, or
9 obtain by any means, another person, intending or knowing that
10 the person will be subjected to involuntary servitude; or (2)
11 benefits, financially or by receiving anything of value, from
12 participation in a venture that has engaged in an act of
13 involuntary servitude or involuntary sexual servitude of a
14 minor.

15 Sentence. Except as otherwise provided in subsection (e) or
16 (f), a violation of this subsection is a Class 1 felony.

17 (e) Aggravating factors. A violation of this Section
18 involving kidnapping or an attempt to kidnap, aggravated
19 criminal sexual assault or an attempt to commit aggravated
20 criminal sexual assault, or an attempt to commit first degree
21 murder is a Class X felony.

22 (f) Sentencing considerations.

23 (1) Bodily injury. If, pursuant to a violation of this
24 Section, a victim suffered bodily injury, the defendant may
25 be sentenced to an extended-term sentence under Section
26 5-8-2 of the Unified Code of Corrections. The sentencing

1 court must take into account the time in which the victim
2 was held in servitude, with increased penalties for cases
3 in which the victim was held for between 180 days and one
4 year, and increased penalties for cases in which the victim
5 was held for more than one year.

6 (2) Number of victims. In determining sentences within
7 statutory maximums, the sentencing court should take into
8 account the number of victims, and may provide for
9 substantially increased sentences in cases involving more
10 than 10 victims.

11 (g) Restitution. Restitution is mandatory under this
12 Section. In addition to any other amount of loss identified,
13 the court shall order restitution including the greater of (1)
14 the gross income or value to the defendant of the victim's
15 labor or services or (2) the value of the victim's labor as
16 guaranteed under the Minimum Wage Law and overtime provisions
17 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
18 whichever is greater.

19 (h) Trafficking victim services. Subject to the
20 availability of funds, the Department of Human Services may
21 provide or fund emergency services and assistance to
22 individuals who are victims of one or more offenses defined in
23 this Section.

24 (i) Certification. The Attorney General, a State's
25 Attorney, or any law enforcement official shall certify in
26 writing to the United States Department of Justice or other

1 federal agency, such as the United States Department of
2 Homeland Security, that an investigation or prosecution under
3 this Section has begun and the individual who is a likely
4 victim of a crime described in this Section is willing to
5 cooperate or is cooperating with the investigation to enable
6 the individual, if eligible under federal law, to qualify for
7 an appropriate special immigrant visa and to access available
8 federal benefits. Cooperation with law enforcement shall not be
9 required of victims of a crime described in this Section who
10 are under 18 years of age. This certification shall be made
11 available to the victim and his or her designated legal
12 representative.

13 (j) A person who commits involuntary servitude,
14 involuntary sexual servitude of a minor, or trafficking in
15 persons under subsection (b), (c), or (d) of this Section is
16 subject to the property forfeiture provisions set forth in
17 Article 124B of the Code of Criminal Procedure of 1963.

18 (Source: P.A. 96-710, eff. 1-1-10; incorporates 96-712, eff.
19 1-1-10; 96-1000, eff. 7-2-10; 97-897, eff. 1-1-13; revised
20 11-12-13.)

21 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

22 Sec. 11-1.40. Predatory criminal sexual assault of a child.

23 (a) A person commits predatory criminal sexual assault of a
24 child if that person commits an act of sexual penetration or an
25 act of contact, however slight, between the sex organ or anus

1 of one person and the part of the body of another, and the
2 accused is 17 years of age or older, and:

3 (1) the victim is under 13 years of age; or

4 (2) the victim is under 13 years of age and that
5 person:

6 (A) is armed with a firearm;

7 (B) personally discharges a firearm during the
8 commission of the offense;

9 (C) causes great bodily harm to the victim that:

10 (i) results in permanent disability; or

11 (ii) is life threatening; or

12 (D) delivers (by injection, inhalation, ingestion,
13 transfer of possession, or any other means) any
14 controlled substance to the victim without the
15 victim's consent or by threat or deception, for other
16 than medical purposes.

17 (b) Sentence.

18 (1) A person convicted of a violation of subsection
19 (a) (1) commits a Class X felony, for which the person shall
20 be sentenced to a term of imprisonment of not less than 6
21 years and not more than 60 years. A person convicted of a
22 violation of subsection (a) (2) (A) commits a Class X felony
23 for which 15 years shall be added to the term of
24 imprisonment imposed by the court. A person convicted of a
25 violation of subsection (a) (2) (B) commits a Class X felony
26 for which 20 years shall be added to the term of

1 imprisonment imposed by the court. A person convicted of a
2 violation of subsection (a) (2) (C) commits a Class X felony
3 for which the person shall be sentenced to a term of
4 imprisonment of not less than 50 years or up to a term of
5 natural life imprisonment.

6 (1.1) A person convicted of a violation of subsection
7 (a) (2) (D) commits a Class X felony for which the person
8 shall be sentenced to a term of imprisonment of not less
9 than 50 years and not more than 60 years.

10 (1.2) A person convicted of predatory criminal sexual
11 assault of a child committed against 2 or more persons
12 regardless of whether the offenses occurred as the result
13 of the same act or of several related or unrelated acts
14 shall be sentenced to a term of natural life imprisonment.

15 (2) A person who is convicted of a second or subsequent
16 offense of predatory criminal sexual assault of a child, or
17 who is convicted of the offense of predatory criminal
18 sexual assault of a child after having previously been
19 convicted of the offense of criminal sexual assault or the
20 offense of aggravated criminal sexual assault, or who is
21 convicted of the offense of predatory criminal sexual
22 assault of a child after having previously been convicted
23 under the laws of this State or any other state of an
24 offense that is substantially equivalent to the offense of
25 predatory criminal sexual assault of a child, the offense
26 of aggravated criminal sexual assault or the offense of

1 criminal sexual assault, shall be sentenced to a term of
2 natural life imprisonment. The commission of the second or
3 subsequent offense is required to have been after the
4 initial conviction for this paragraph (2) to apply.

5 (Source: P.A. 98-370, eff. 1-1-14; revised 11-12-13.)

6 (720 ILCS 5/11-9.1B)

7 Sec. 11-9.1B. Failure to report sexual abuse of a child.

8 (a) For the purposes of this Section:

9 "Child" means any person under the age of 13.

10 "Sexual abuse" means any contact, however slight, between
11 the sex organ or anus of the victim or the accused and an
12 object or body part, including, but not limited to, the sex
13 organ, mouth, or anus of the victim or the accused, or any
14 intrusion, however slight, of any part of the body of the
15 victim or the accused or of any animal or object into the sex
16 organ or anus of the victim or the accused, including, but not
17 limited to, cunnilingus, fellatio, or anal penetration.
18 Evidence of emission of semen is not required to prove sexual
19 abuse.

20 (b) A person over the age of 18 commits failure to report
21 sexual abuse of a child when he or she personally observes
22 sexual abuse, as defined by this Section, between a person who
23 he or she knows is over the age of 18 and a person he or she
24 knows is a child, and knowingly fails to report the sexual
25 abuse to law enforcement.

1 (c) This Section does not apply to a person who makes
2 timely and reasonable efforts to stop the sexual abuse by
3 reporting the sexual abuse in conformance with the Abused and
4 Neglected Child Reporting Act or by reporting the sexual abuse
5 or causing a report to be made, to medical or law enforcement
6 authorities or anyone who is a mandated reporter under Section
7 4 of the Abused and Neglected Child Reporting Act.

8 (d) A person may not be charged with the offense of failure
9 to report sexual abuse of a child under this Section until the
10 person who committed the offense is charged with criminal
11 sexual assault, aggravated criminal sexual assault, predatory
12 criminal sexual assault of a child, criminal sexual abuse, or
13 aggravated criminal sexual abuse.

14 (e) It is an affirmative defense to a charge of failure to
15 report sexual abuse of a child under this Section that the
16 person who personally observed the sexual abuse had a
17 reasonable apprehension that timely action to stop the abuse
18 would result in the imminent infliction of death, great bodily
19 harm, permanent disfigurement, or permanent disability to that
20 person or another in retaliation for reporting.

21 (f) Sentence. A person who commits failure to report sexual
22 abuse of a child is guilty of a Class A misdemeanor for the
23 first violation and a Class 4 felony for a second or subsequent
24 violation.

25 (g) Nothing in this Section shall be construed to allow
26 prosecution of a person who personally observes the act of

1 sexual abuse and assists with an investigation and any
2 subsequent prosecution of the offender.

3 (Source: P.A. 98-370, eff. 1-1-14; revised 11-12-13.)

4 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

5 Sec. 11-14. Prostitution.

6 (a) Any person who knowingly performs, offers or agrees to
7 perform any act of sexual penetration as defined in Section
8 11-0.1 of this Code for anything of value, or any touching or
9 fondling of the sex organs of one person by another person, for
10 anything of value, for the purpose of sexual arousal or
11 gratification commits an act of prostitution.

12 (b) Sentence. A violation of this Section is a Class A
13 misdemeanor.

14 (c) (Blank). ~~or 5-6-3.4~~

15 (d) Notwithstanding the foregoing, if it is determined,
16 after a reasonable detention for investigative purposes, that a
17 person suspected of or charged with a violation of this Section
18 is a person under the age of 18, that person shall be immune
19 from prosecution for a prostitution offense under this Section,
20 and shall be subject to the temporary protective custody
21 provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of
22 1987. Pursuant to the provisions of Section 2-6 of the Juvenile
23 Court Act of 1987, a law enforcement officer who takes a person
24 under 18 years of age into custody under this Section shall
25 immediately report an allegation of a violation of Section 10-9

1 of this Code to the Illinois Department of Children and Family
2 Services State Central Register, which shall commence an
3 initial investigation into child abuse or child neglect within
4 24 hours pursuant to Section 7.4 of the Abused and Neglected
5 Child Reporting Act.

6 (Source: P.A. 97-1118, eff. 1-1-13; 98-164, eff. 1-1-14;
7 98-538, eff. 8-23-13; revised 9-24-13.)

8 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

9 Sec. 12-3.05. Aggravated battery.

10 (a) Offense based on injury. A person commits aggravated
11 battery when, in committing a battery, other than by the
12 discharge of a firearm, he or she knowingly does any of the
13 following:

14 (1) Causes great bodily harm or permanent disability or
15 disfigurement.

16 (2) Causes severe and permanent disability, great
17 bodily harm, or disfigurement by means of a caustic or
18 flammable substance, a poisonous gas, a deadly biological
19 or chemical contaminant or agent, a radioactive substance,
20 or a bomb or explosive compound.

21 (3) Causes great bodily harm or permanent disability or
22 disfigurement to an individual whom the person knows to be
23 a peace officer, community policing volunteer, fireman,
24 private security officer, correctional institution
25 employee, or Department of Human Services employee

1 supervising or controlling sexually dangerous persons or
2 sexually violent persons:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (4) Causes great bodily harm or permanent disability or
9 disfigurement to an individual 60 years of age or older.

10 (5) Strangles another individual.

11 (b) Offense based on injury to a child or intellectually
12 disabled person. A person who is at least 18 years of age
13 commits aggravated battery when, in committing a battery, he or
14 she knowingly and without legal justification by any means:

15 (1) causes great bodily harm or permanent disability or
16 disfigurement to any child under the age of 13 years, or to
17 any severely or profoundly intellectually disabled person;
18 or

19 (2) causes bodily harm or disability or disfigurement
20 to any child under the age of 13 years or to any severely
21 or profoundly intellectually disabled person.

22 (c) Offense based on location of conduct. A person commits
23 aggravated battery when, in committing a battery, other than by
24 the discharge of a firearm, he or she is or the person battered
25 is on or about a public way, public property, a public place of
26 accommodation or amusement, a sports venue, or a domestic

1 violence shelter.

2 (d) Offense based on status of victim. A person commits
3 aggravated battery when, in committing a battery, other than by
4 discharge of a firearm, he or she knows the individual battered
5 to be any of the following:

6 (1) A person 60 years of age or older.

7 (2) A person who is pregnant or physically handicapped.

8 (3) A teacher or school employee upon school grounds or
9 grounds adjacent to a school or in any part of a building
10 used for school purposes.

11 (4) A peace officer, community policing volunteer,
12 fireman, private security officer, correctional
13 institution employee, or Department of Human Services
14 employee supervising or controlling sexually dangerous
15 persons or sexually violent persons:

16 (i) performing his or her official duties;

17 (ii) battered to prevent performance of his or her
18 official duties; or

19 (iii) battered in retaliation for performing his
20 or her official duties.

21 (5) A judge, emergency management worker, emergency
22 medical technician, or utility worker:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

26 (iii) battered in retaliation for performing his

1 or her official duties.

2 (6) An officer or employee of the State of Illinois, a
3 unit of local government, or a school district, while
4 performing his or her official duties.

5 (7) A transit employee performing his or her official
6 duties, or a transit passenger.

7 (8) A taxi driver on duty.

8 (9) A merchant who detains the person for an alleged
9 commission of retail theft under Section 16-26 of this Code
10 and the person without legal justification by any means
11 causes bodily harm to the merchant.

12 (10) A person authorized to serve process under Section
13 2-202 of the Code of Civil Procedure or a special process
14 server appointed by the circuit court while that individual
15 is in the performance of his or her duties as a process
16 server.

17 (11) A nurse while in the performance of his or her
18 duties as a nurse.

19 (e) Offense based on use of a firearm. A person commits
20 aggravated battery when, in committing a battery, he or she
21 knowingly does any of the following:

22 (1) Discharges a firearm, other than a machine gun or a
23 firearm equipped with a silencer, and causes any injury to
24 another person.

25 (2) Discharges a firearm, other than a machine gun or a
26 firearm equipped with a silencer, and causes any injury to

1 a person he or she knows to be a peace officer, community
2 policing volunteer, person summoned by a police officer,
3 fireman, private security officer, correctional
4 institution employee, or emergency management worker:

5 (i) performing his or her official duties;

6 (ii) battered to prevent performance of his or her
7 official duties; or

8 (iii) battered in retaliation for performing his
9 or her official duties.

10 (3) Discharges a firearm, other than a machine gun or a
11 firearm equipped with a silencer, and causes any injury to
12 a person he or she knows to be an emergency medical
13 technician employed by a municipality or other
14 governmental unit:

15 (i) performing his or her official duties;

16 (ii) battered to prevent performance of his or her
17 official duties; or

18 (iii) battered in retaliation for performing his
19 or her official duties.

20 (4) Discharges a firearm and causes any injury to a
21 person he or she knows to be a teacher, a student in a
22 school, or a school employee, and the teacher, student, or
23 employee is upon school grounds or grounds adjacent to a
24 school or in any part of a building used for school
25 purposes.

26 (5) Discharges a machine gun or a firearm equipped with

1 a silencer, and causes any injury to another person.

2 (6) Discharges a machine gun or a firearm equipped with
3 a silencer, and causes any injury to a person he or she
4 knows to be a peace officer, community policing volunteer,
5 person summoned by a police officer, fireman, private
6 security officer, correctional institution employee or
7 emergency management worker:

8 (i) performing his or her official duties;

9 (ii) battered to prevent performance of his or her
10 official duties; or

11 (iii) battered in retaliation for performing his
12 or her official duties.

13 (7) Discharges a machine gun or a firearm equipped with
14 a silencer, and causes any injury to a person he or she
15 knows to be an emergency medical technician employed by a
16 municipality or other governmental unit:

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her
19 official duties; or

20 (iii) battered in retaliation for performing his
21 or her official duties.

22 (8) Discharges a machine gun or a firearm equipped with
23 a silencer, and causes any injury to a person he or she
24 knows to be a teacher, or a student in a school, or a
25 school employee, and the teacher, student, or employee is
26 upon school grounds or grounds adjacent to a school or in

1 any part of a building used for school purposes.

2 (f) Offense based on use of a weapon or device. A person
3 commits aggravated battery when, in committing a battery, he or
4 she does any of the following:

5 (1) Uses a deadly weapon other than by discharge of a
6 firearm, or uses an air rifle as defined in Section
7 24.8-0.1 of this Code ~~the Air Rifle Act~~.

8 (2) Wears a hood, robe, or mask to conceal his or her
9 identity.

10 (3) Knowingly and without lawful justification shines
11 or flashes a laser gunsight or other laser device attached
12 to a firearm, or used in concert with a firearm, so that
13 the laser beam strikes upon or against the person of
14 another.

15 (4) Knowingly video or audio records the offense with
16 the intent to disseminate the recording.

17 (g) Offense based on certain conduct. A person commits
18 aggravated battery when, other than by discharge of a firearm,
19 he or she does any of the following:

20 (1) Violates Section 401 of the Illinois Controlled
21 Substances Act by unlawfully delivering a controlled
22 substance to another and any user experiences great bodily
23 harm or permanent disability as a result of the injection,
24 inhalation, or ingestion of any amount of the controlled
25 substance.

26 (2) Knowingly administers to an individual or causes

1 him or her to take, without his or her consent or by threat
2 or deception, and for other than medical purposes, any
3 intoxicating, poisonous, stupefying, narcotic, anesthetic,
4 or controlled substance, or gives to another person any
5 food containing any substance or object intended to cause
6 physical injury if eaten.

7 (3) Knowingly causes or attempts to cause a
8 correctional institution employee or Department of Human
9 Services employee to come into contact with blood, seminal
10 fluid, urine, or feces by throwing, tossing, or expelling
11 the fluid or material, and the person is an inmate of a
12 penal institution or is a sexually dangerous person or
13 sexually violent person in the custody of the Department of
14 Human Services.

15 (h) Sentence. Unless otherwise provided, aggravated
16 battery is a Class 3 felony.

17 Aggravated battery as defined in subdivision (a)(4),
18 (d)(4), or (g)(3) is a Class 2 felony.

19 Aggravated battery as defined in subdivision (a)(3) or
20 (g)(1) is a Class 1 felony.

21 Aggravated battery as defined in subdivision (a)(1) is a
22 Class 1 felony when the aggravated battery was intentional and
23 involved the infliction of torture, as defined in paragraph
24 (14) of subsection (b) of Section 9-1 of this Code, as the
25 infliction of or subjection to extreme physical pain, motivated
26 by an intent to increase or prolong the pain, suffering, or

1 agony of the victim.

2 Aggravated battery under subdivision (a) (5) is a Class 1
3 felony if:

4 (A) the person used or attempted to use a dangerous
5 instrument while committing the offense; or

6 (B) the person caused great bodily harm or permanent
7 disability or disfigurement to the other person while
8 committing the offense; or

9 (C) the person has been previously convicted of a
10 violation of subdivision (a) (5) under the laws of this
11 State or laws similar to subdivision (a) (5) of any other
12 state.

13 Aggravated battery as defined in subdivision (e) (1) is a
14 Class X felony.

15 Aggravated battery as defined in subdivision (a) (2) is a
16 Class X felony for which a person shall be sentenced to a term
17 of imprisonment of a minimum of 6 years and a maximum of 45
18 years.

19 Aggravated battery as defined in subdivision (e) (5) is a
20 Class X felony for which a person shall be sentenced to a term
21 of imprisonment of a minimum of 12 years and a maximum of 45
22 years.

23 Aggravated battery as defined in subdivision (e) (2),
24 (e) (3), or (e) (4) is a Class X felony for which a person shall
25 be sentenced to a term of imprisonment of a minimum of 15 years
26 and a maximum of 60 years.

1 Aggravated battery as defined in subdivision (e)(6),
2 (e)(7), or (e)(8) is a Class X felony for which a person shall
3 be sentenced to a term of imprisonment of a minimum of 20 years
4 and a maximum of 60 years.

5 Aggravated battery as defined in subdivision (b)(1) is a
6 Class X felony, except that:

7 (1) if the person committed the offense while armed
8 with a firearm, 15 years shall be added to the term of
9 imprisonment imposed by the court;

10 (2) if, during the commission of the offense, the
11 person personally discharged a firearm, 20 years shall be
12 added to the term of imprisonment imposed by the court;

13 (3) if, during the commission of the offense, the
14 person personally discharged a firearm that proximately
15 caused great bodily harm, permanent disability, permanent
16 disfigurement, or death to another person, 25 years or up
17 to a term of natural life shall be added to the term of
18 imprisonment imposed by the court.

19 (i) Definitions. For the purposes of this Section:

20 "Building or other structure used to provide shelter" has
21 the meaning ascribed to "shelter" in Section 1 of the Domestic
22 Violence Shelters Act.

23 "Domestic violence" has the meaning ascribed to it in
24 Section 103 of the Illinois Domestic Violence Act of 1986.

25 "Domestic violence shelter" means any building or other
26 structure used to provide shelter or other services to victims

1 or to the dependent children of victims of domestic violence
2 pursuant to the Illinois Domestic Violence Act of 1986 or the
3 Domestic Violence Shelters Act, or any place within 500 feet of
4 such a building or other structure in the case of a person who
5 is going to or from such a building or other structure.

6 "Firearm" has the meaning provided under Section 1.1 of the
7 Firearm Owners Identification Card Act, and does not include an
8 air rifle as defined by Section 24.8-0.1 of this Code.

9 "Machine gun" has the meaning ascribed to it in Section
10 24-1 of this Code.

11 "Merchant" has the meaning ascribed to it in Section 16-0.1
12 of this Code.

13 "Strangle" means intentionally impeding the normal
14 breathing or circulation of the blood of an individual by
15 applying pressure on the throat or neck of that individual or
16 by blocking the nose or mouth of that individual.

17 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-227, eff.
18 1-1-12, 97-313, eff. 1-1-12, and 97-467, eff. 1-1-12; 97-1109,
19 eff. 1-1-13; 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; revised
20 9-24-13.)

21 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

22 Sec. 12C-10. Child abandonment.

23 (a) A person commits child abandonment when he or she, as a
24 parent, guardian, or other person having physical custody or
25 control of a child, without regard for the mental or physical

1 health, safety, or welfare of that child, knowingly leaves that
2 child who is under the age of 13 without supervision by a
3 responsible person over the age of 14 for a period of 24 hours
4 or more. It is not a violation of this Section for a person to
5 relinquish a child in accordance with the Abandoned Newborn
6 Infant Protection Act.

7 (b) For the purposes of determining whether the child was
8 left without regard for the mental or physical health, safety,
9 or welfare of that child, the trier of fact shall consider the
10 following factors:

11 (1) the age of the child;

12 (2) the number of children left at the location;

13 (3) special needs of the child, including whether the
14 child is physically or mentally handicapped, or otherwise
15 in need of ongoing prescribed medical treatment such as
16 periodic doses of insulin or other medications;

17 (4) the duration of time in which the child was left
18 without supervision;

19 (5) the condition and location of the place where the
20 child was left without supervision;

21 (6) the time of day or night when the child was left
22 without supervision;

23 (7) the weather conditions, including whether the
24 child was left in a location with adequate protection from
25 the natural elements such as adequate heat or light;

26 (8) the location of the parent, guardian, or other

1 person having physical custody or control of the child at
2 the time the child was left without supervision, the
3 physical distance the child was from the parent, guardian,
4 or other person having physical custody or control of the
5 child at the time the child was without supervision;

6 (9) whether the child's movement was restricted, or the
7 child was otherwise locked within a room or other
8 structure;

9 (10) whether the child was given a phone number of a
10 person or location to call in the event of an emergency and
11 whether the child was capable of making an emergency call;

12 (11) whether there was food and other provision left
13 for the child;

14 (12) whether any of the conduct is attributable to
15 economic hardship or illness and the parent, guardian or
16 other person having physical custody or control of the
17 child made a good faith effort to provide for the health
18 and safety of the child;

19 (13) the age and physical and mental capabilities of
20 the person or persons who provided supervision for the
21 child;

22 (14) any other factor that would endanger the health or
23 safety of that particular child;

24 (15) whether the child was left under the supervision
25 of another person.

26 (c) ~~(d)~~ Child abandonment is a Class 4 felony. A second or

1 subsequent offense after a prior conviction is a Class 3
2 felony. A parent, who is found to be in violation of this
3 Section with respect to his or her child, may be sentenced to
4 probation for this offense pursuant to Section 12C-15.

5 (Source: P.A. 97-1109, eff. 1-1-13; revised 11-12-13.)

6 (720 ILCS 5/19-4) (from Ch. 38, par. 19-4)

7 Sec. 19-4. Criminal trespass to a residence.

8 (a) (1) A person commits criminal trespass to a residence
9 when, without authority, he or she knowingly enters or remains
10 within any residence, including a house trailer that is the
11 dwelling place of another.

12 (2) A person commits criminal trespass to a residence when,
13 without authority, he or she knowingly enters the residence of
14 another and knows or has reason to know that one or more
15 persons is present or he or she knowingly enters the residence
16 of another and remains in the residence after he or she knows
17 or has reason to know that one or more persons is present.

18 (a-5) ~~(3)~~ For purposes of this Section, in the case of a
19 multi-unit residential building or complex, "residence" shall
20 only include the portion of the building or complex which is
21 the actual dwelling place of any person and shall not include
22 such places as common recreational areas or lobbies.

23 (b) Sentence.

24 (1) Criminal trespass to a residence under paragraph
25 (1) of subsection (a) is a Class A misdemeanor.

1 (2) Criminal trespass to a residence under paragraph
2 (2) of subsection (a) is a Class 4 felony.

3 (Source: P.A. 97-1108, eff. 1-1-13; revised 11-12-13.)

4 (720 ILCS 5/21-1.3)

5 Sec. 21-1.3. Criminal defacement of property.

6 (a) A person commits criminal defacement of property when
7 the person knowingly damages the property of another by
8 defacing, deforming, or otherwise damaging the property by the
9 use of paint or any other similar substance, or by the use of a
10 writing instrument, etching tool, or any other similar device.
11 It is an affirmative defense to a violation of this Section
12 that the owner of the property damaged consented to such
13 damage.

14 (b) Sentence.

15 (1) Criminal defacement of property is a Class A
16 misdemeanor for a first offense when the aggregate value of the
17 damage to the property does not exceed \$300. Criminal
18 defacement of property is a Class 4 felony when the aggregate
19 value of the damage to property does not exceed \$300 and the
20 property damaged is a school building or place of worship or
21 property which memorializes or honors an individual or group of
22 police officers, fire fighters, members of the United States
23 Armed Forces ~~or~~ National Guard, or veterans. Criminal
24 defacement of property is a Class 4 felony for a second or
25 subsequent conviction or when the aggregate value of the damage

1 to the property exceeds \$300. Criminal defacement of property
2 is a Class 3 felony when the aggregate value of the damage to
3 property exceeds \$300 and the property damaged is a school
4 building or place of worship or property which memorializes or
5 honors an individual or group of police officers, fire
6 fighters, members of the United States Armed Forces or
7 National Guard, or veterans.

8 (2) In addition to any other sentence that may be imposed
9 for a violation of this Section, a person convicted of criminal
10 defacement of property shall:

11 (A) pay the actual costs incurred by the property owner
12 or the unit of government to abate, remediate, repair, or
13 remove the effect of the damage to the property. To the
14 extent permitted by law, reimbursement for the costs of
15 abatement, remediation, repair, or removal shall be
16 payable to the person who incurred the costs; and

17 (B) if convicted of criminal defacement of property
18 that is chargeable as a Class 3 or Class 4 felony, pay a
19 mandatory minimum fine of \$500.

20 (3) In addition to any other sentence that may be imposed,
21 a court shall order any person convicted of criminal defacement
22 of property to perform community service for not less than 30
23 and not more than 120 hours, if community service is available
24 in the jurisdiction. The community service shall include, but
25 need not be limited to, the cleanup and repair of the damage to
26 property that was caused by the offense, or similar damage to

1 property located in the municipality or county in which the
2 offense occurred. When the property damaged is a school
3 building, the community service may include cleanup, removal,
4 or painting over the defacement. In addition, whenever any
5 person is placed on supervision for an alleged offense under
6 this Section, the supervision shall be conditioned upon the
7 performance of the community service.

8 (4) For the purposes of this subsection (b), aggregate
9 value shall be determined by adding the value of the damage to
10 one or more properties if the offenses were committed as part
11 of a single course of conduct.

12 (Source: P.A. 97-1108, eff. 1-1-13; 98-315, eff. 1-1-14;
13 98-466, eff. 8-16-13; revised 9-24-13.)

14 (720 ILCS 5/31A-1.1) (from Ch. 38, par. 31A-1.1)

15 Sec. 31A-1.1. Bringing Contraband into a Penal
16 Institution; Possessing Contraband in a Penal Institution.

17 (a) A person commits bringing contraband into a penal
18 institution when he or she knowingly and without authority of
19 any person designated or authorized to grant this authority (1)
20 brings an item of contraband into a penal institution or (2)
21 causes another to bring an item of contraband into a penal
22 institution or (3) places an item of contraband in such
23 proximity to a penal institution as to give an inmate access to
24 the contraband.

25 (b) A person commits possessing contraband in a penal

1 institution when he or she knowingly possesses contraband in a
2 penal institution, regardless of the intent with which he or
3 she possesses it.

4 (c) (Blank).

5 (d) Sentence.

6 (1) Bringing into or possessing alcoholic liquor in a
7 penal institution is a Class 4 felony.

8 (2) Bringing into or possessing cannabis in a penal
9 institution is a Class 3 felony.

10 (3) Bringing into or possessing any amount of a
11 controlled substance classified in Schedules III, IV or V
12 of Article II of the Illinois Controlled Substances
13 ~~Substance~~ Act in a penal institution is a Class 2 felony.

14 (4) Bringing into or possessing any amount of a
15 controlled substance classified in Schedules I or II of
16 Article II of the Illinois Controlled Substances ~~Substance~~
17 Act in a penal institution is a Class 1 felony.

18 (5) Bringing into or possessing a hypodermic syringe in
19 a penal institution is a Class 1 felony.

20 (6) Bringing into or possessing a weapon, tool to
21 defeat security mechanisms, cutting tool, or electronic
22 contraband in a penal institution is a Class 1 felony.

23 (7) Bringing into or possessing a firearm, firearm
24 ammunition, or explosive in a penal institution is a Class
25 X felony.

26 (e) It shall be an affirmative defense to subsection (b),

1 that the possession was specifically authorized by rule,
2 regulation, or directive of the governing authority of the
3 penal institution or order issued under it.

4 (f) It shall be an affirmative defense to subsection (a) (1)
5 and subsection (b) that the person bringing into or possessing
6 contraband in a penal institution had been arrested, and that
7 person possessed the contraband at the time of his or her
8 arrest, and that the contraband was brought into or possessed
9 in the penal institution by that person as a direct and
10 immediate result of his or her arrest.

11 (g) Items confiscated may be retained for use by the
12 Department of Corrections or disposed of as deemed appropriate
13 by the Chief Administrative Officer in accordance with
14 Department rules or disposed of as required by law.

15 (Source: P.A. 96-1112, eff. 1-1-11; 97-1108, eff. 1-1-13;
16 revised 11-12-13.)

17 (720 ILCS 5/33-1) (from Ch. 38, par. 33-1)

18 Sec. 33-1. Bribery. A person commits bribery when:

19 (a) With intent to influence the performance of any act
20 related to the employment or function of any public
21 officer, public employee, juror or witness, he or she
22 promises or tenders to that person any property or personal
23 advantage which he or she is not authorized by law to
24 accept; or

25 (b) With intent to influence the performance of any act

1 related to the employment or function of any public
2 officer, public employee, juror or witness, he or she
3 promises or tenders to one whom he or she believes to be a
4 public officer, public employee, juror or witness, any
5 property or personal advantage which a public officer,
6 public employee, juror or witness would not be authorized
7 by law to accept; or

8 (c) With intent to cause any person to influence the
9 performance of any act related to the employment or
10 function of any public officer, public employee, juror or
11 witness, he or she promises or tenders to that person any
12 property or personal advantage which he or she is not
13 authorized by law to accept; or

14 (d) He or she receives, retains or agrees to accept any
15 property or personal advantage which he or she is not
16 authorized by law to accept knowing that the property or
17 personal advantage was promised or tendered with intent to
18 cause him or her to influence the performance of any act
19 related to the employment or function of any public
20 officer, public employee, juror or witness; or

21 (e) He or she solicits, receives, retains, or agrees to
22 accept any property or personal advantage pursuant to an
23 understanding that he or she shall improperly influence or
24 attempt to influence the performance of any act related to
25 the employment or function of any public officer, public
26 employee, juror or witness.

1 ~~(f)~~ As used in this Section, "tenders" means any delivery
2 or proffer made with the requisite intent.

3 ~~(g)~~ Sentence. Bribery is a Class 2 felony.
4 (Source: P.A. 97-1108, eff. 1-1-13; revised 11-12-13.)

5 (720 ILCS 5/33E-18)

6 Sec. 33E-18. Unlawful stringing of bids.

7 (a) A person commits unlawful stringing of bids when he or
8 she, with the intent to evade the bidding requirements of any
9 unit of local government or school district, knowingly strings
10 or assists in stringing~~g~~ or attempts to string any contract or
11 job order with the unit of local government or school district.

12 (b) Sentence. Unlawful stringing of bids is a Class 4
13 felony.

14 (Source: P.A. 97-1108, eff. 1-1-13; revised 11-12-13.)

15 Section 700. The Cannabis Control Act is amended by
16 changing Section 15.1 as follows:

17 (720 ILCS 550/15.1) (from Ch. 56 1/2, par. 715.1)

18 Sec. 15.1. (a) If any cannabis derivative is designated or
19 rescheduled as a controlled substance under federal law and
20 notice thereof is given to the Department, the Department shall
21 similarly control the substance under the Illinois Controlled
22 Substances Act after the expiration of 30 days from publication
23 in the Federal Register of a final order designating a

1 substance as a controlled substance or rescheduling a substance
2 unless within that 30 day period the Department objects, or a
3 party adversely affected files with the Department substantial
4 written objections to inclusion or rescheduling. In that case,
5 the Department shall publish the reasons for objection or the
6 substantial written objections and afford all interested
7 parties an opportunity to be heard. At the conclusion of the
8 hearing, the Department shall publish its decision, by means of
9 a rule, which shall be final unless altered by statute. Upon
10 publication of objections by the Department, similar control
11 under the Illinois Controlled Substances Act whether by
12 inclusion or rescheduling is suspended until the Department
13 publishes its ruling.

14 (b) If any cannabis derivative is deleted as a controlled
15 substance under Federal law and notice thereof is given to the
16 Department, the Department shall similarly control the
17 substance under this Act after the expiration of 30 days from
18 publication in the Federal Register of a final order deleting a
19 substance as a controlled substance or rescheduling a substance
20 unless within that 30 day period the Department objects, or a
21 party adversely affected files with the Department substantial
22 written objections to inclusion or rescheduling. In that case,
23 the Department shall publish the reasons for objection or the
24 substantial written objections and afford all interested
25 parties an opportunity to be heard. At the conclusion of the
26 hearing, the Department shall publish its decision, by means of

1 a rule, which shall be final unless altered by statute. Upon
2 publication of objections by the Department, similar control
3 under this Act whether by inclusion or rescheduling is
4 suspended until the Department publishes its ruling.

5 (c) Cannabis derivatives are deemed to be regulated under
6 this Act until such time as those derivatives are scheduled as
7 provided for under the Illinois Controlled Substances Act.
8 Following such scheduling, those derivatives shall be excepted
9 from this Act and shall be regulated pursuant to the Illinois
10 Controlled Substances Act. At such time that any derivative is
11 deleted from schedules provided for under the Illinois
12 Controlled Substances ~~Substance~~ Act, that derivative shall be
13 regulated pursuant to this Act.

14 (Source: P.A. 84-1313; 84-1362; revised 11-12-13.)

15 Section 705. The Illinois Controlled Substances Act is
16 amended by changing Sections 102 and 201 as follows:

17 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

18 Sec. 102. Definitions. As used in this Act, unless the
19 context otherwise requires:

20 (a) "Addict" means any person who habitually uses any drug,
21 chemical, substance or dangerous drug other than alcohol so as
22 to endanger the public morals, health, safety or welfare or who
23 is so far addicted to the use of a dangerous drug or controlled
24 substance other than alcohol as to have lost the power of self

1 control with reference to his or her addiction.

2 (b) "Administer" means the direct application of a
3 controlled substance, whether by injection, inhalation,
4 ingestion, or any other means, to the body of a patient,
5 research subject, or animal (as defined by the Humane
6 Euthanasia in Animal Shelters Act) by:

7 (1) a practitioner (or, in his or her presence, by his
8 or her authorized agent),

9 (2) the patient or research subject pursuant to an
10 order, or

11 (3) a euthanasia technician as defined by the Humane
12 Euthanasia in Animal Shelters Act.

13 (c) "Agent" means an authorized person who acts on behalf
14 of or at the direction of a manufacturer, distributor,
15 dispenser, prescriber, or practitioner. It does not include a
16 common or contract carrier, public warehouseman or employee of
17 the carrier or warehouseman.

18 (c-1) "Anabolic Steroids" means any drug or hormonal
19 substance, chemically and pharmacologically related to
20 testosterone (other than estrogens, progestins,
21 corticosteroids, and dehydroepiandrosterone), and includes:

22 (i) 3[beta] ,17-dihydroxy-5a-androstane,

23 (ii) 3[alpha] ,17[beta] -dihydroxy-5a-androstane,

24 (iii) 5[alpha] -androstan-3,17-dione,

25 (iv) 1-androstenediol (3[beta] ,

26 17[beta] -dihydroxy-5[alpha] -androst-1-ene),

- 1 (v) 1-androstenediol (3[alpha] ,
2 17[beta] -dihydroxy-5[alpha] -androst-1-ene) ,
3 (vi) 4-androstenediol
4 (3[beta] , 17[beta] -dihydroxy-androst-4-ene) ,
5 (vii) 5-androstenediol
6 (3[beta] , 17[beta] -dihydroxy-androst-5-ene) ,
7 (viii) 1-androstenedione
8 ([5alpha] -androst-1-en-3,17-dione) ,
9 (ix) 4-androstenedione
10 (androst-4-en-3,17-dione) ,
11 (x) 5-androstenedione
12 (androst-5-en-3,17-dione) ,
13 (xi) bolasterone (7[alpha] , 17a-dimethyl-17[beta] -
14 hydroxyandrost-4-en-3-one) ,
15 (xii) boldenone (17[beta] -hydroxyandrost-
16 1,4,-diene-3-one) ,
17 (xiii) boldione (androsta-1,4-
18 diene-3,17-dione) ,
19 (xiv) calusterone (7[beta] , 17[alpha] -dimethyl-17
20 [beta] -hydroxyandrost-4-en-3-one) ,
21 (xv) clostebol (4-chloro-17[beta] -
22 hydroxyandrost-4-en-3-one) ,
23 (xvi) dehydrochloromethyltestosterone (4-chloro-
24 17[beta] -hydroxy-17[alpha] -methyl-
25 androst-1,4-dien-3-one) ,
26 (xvii) desoxymethyltestosterone

1 (17[alpha] -methyl-5[alpha]
2 -androst-2-en-17[beta] -ol) (a.k.a., madol),
3 (xviii) [delta] 1-dihydrotestosterone (a.k.a.
4 '1-testosterone') (17[beta] -hydroxy-
5 5[alpha] -androst-1-en-3-one),
6 (xix) 4-dihydrotestosterone (17[beta] -hydroxy-
7 androstan-3-one),
8 (xx) drostanolone (17[beta] -hydroxy-2[alpha] -methyl-
9 5[alpha] -androstan-3-one),
10 (xxi) ethylestrenol (17[alpha] -ethyl-17[beta] -
11 hydroxyestr-4-ene),
12 (xxii) fluoxymesterone (9-fluoro-17[alpha] -methyl-
13 1[beta] ,17[beta] -dihydroxyandrost-4-en-3-one),
14 (xxiii) formebolone (2-formyl-17[alpha] -methyl-11[alpha] ,
15 17[beta] -dihydroxyandrost-1,4-dien-3-one),
16 (xxiv) furazabol (17[alpha] -methyl-17[beta] -
17 hydroxyandrostan[2,3-c] -furan),
18 (xxv) 13[beta] -ethyl-17[beta] -hydroxygon-4-en-3-one)
19 (xxvi) 4-hydroxytestosterone (4,17[beta] -dihydroxy-
20 androst-4-en-3-one),
21 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta] -
22 dihydroxy-estr-4-en-3-one),
23 (xxviii) mestanolone (17[alpha] -methyl-17[beta] -
24 hydroxy-5-androstan-3-one),
25 (xxix) mesterolone (1amethyl-17[beta] -hydroxy-
26 [5a] -androstan-3-one),

1 (xxx) methandienone (17[alpha] -methyl-17[beta] -
2 hydroxyandrost-1,4-dien-3-one),
3 (xxxix) methandriol (17[alpha] -methyl-3[beta] ,17[beta] -
4 dihydroxyandrost-5-ene),
5 (xxxii) methenolone (1-methyl-17[beta] -hydroxy-
6 5[alpha] -androst-1-en-3-one),
7 (xxxiii) 17[alpha] -methyl-3[beta] , 17[beta] -
8 dihydroxy-5a-androstane),
9 (xxxiv) 17[alpha] -methyl-3[alpha] ,17[beta] -dihydroxy
10 -5a-androstane),
11 (xxxv) 17[alpha] -methyl-3[beta] ,17[beta] -
12 dihydroxyandrost-4-ene),
13 (xxxvi) 17[alpha] -methyl-4-hydroxynandrolone (17[alpha] -
14 methyl-4-hydroxy-17[beta] -hydroxyestr-4-en-3-one),
15 (xxxvii) methyldienolone (17[alpha] -methyl-17[beta] -
16 hydroxyestra-4,9(10)-dien-3-one),
17 (xxxviii) methyltrienolone (17[alpha] -methyl-17[beta] -
18 hydroxyestra-4,9-11-trien-3-one),
19 (xxxix) methyltestosterone (17[alpha] -methyl-17[beta] -
20 hydroxyandrost-4-en-3-one),
21 (xl) mibolerone (7[alpha] ,17a-dimethyl-17[beta] -
22 hydroxyestr-4-en-3-one),
23 (xli) 17[alpha] -methyl-[delta] 1-dihydrotestosterone
24 (17b[beta] -hydroxy-17[alpha] -methyl-5[alpha] -
25 androst-1-en-3-one) (a.k.a. '17-[alpha] -methyl-
26 1-testosterone'),

- 1 (xlii) nandrolone (17[beta] -hydroxyestr-4-en-3-one),
2 (xliii) 19-nor-4-androstenediol (3[beta] , 17[beta] -
3 dihydroxyestr-4-ene),
4 (xliv) 19-nor-4-androstenediol (3[alpha] , 17[beta] -
5 dihydroxyestr-4-ene),
6 (xlv) 19-nor-5-androstenediol (3[beta] , 17[beta] -
7 dihydroxyestr-5-ene),
8 (xlvi) 19-nor-5-androstenediol (3[alpha] , 17[beta] -
9 dihydroxyestr-5-ene),
10 (xlvii) 19-nor-4,9(10)-androstadienedione
11 (estra-4,9(10)-diene-3,17-dione),
12 (xlviii) 19-nor-4-androstenedione (estr-4-
13 en-3,17-dione),
14 (xlix) 19-nor-5-androstenedione (estr-5-
15 en-3,17-dione),
16 (l) norbolethone (13[beta] , 17a-diethyl-17[beta] -
17 hydroxygon-4-en-3-one),
18 (li) norclostebol (4-chloro-17[beta] -
19 hydroxyestr-4-en-3-one),
20 (lii) norethandrolone (17[alpha] -ethyl-17[beta] -
21 hydroxyestr-4-en-3-one),
22 (liii) normethandrolone (17[alpha] -methyl-17[beta] -
23 hydroxyestr-4-en-3-one),
24 (liv) oxandrolone (17[alpha] -methyl-17[beta] -hydroxy-
25 2-oxa-5[alpha] -androstan-3-one),
26 (lv) oxymesterone (17[alpha] -methyl-4,17[beta] -

1 dihydroxyandrost-4-en-3-one),
2 (lvi) oxymetholone (17[alpha] -methyl-2-hydroxymethylene-
3 17[beta] -hydroxy- (5[alpha] -androstan-3-one),
4 (lvii) stanozolol (17[alpha] -methyl-17[beta] -hydroxy-
5 (5[alpha] -androst-2-en[3,2-c] -pyrazole),
6 (lviii) stenbolone (17[beta] -hydroxy-2-methyl-
7 (5[alpha] -androst-1-en-3-one),
8 (lix) testolactone (13-hydroxy-3-oxo-13,17-
9 secoandrosta-1,4-dien-17-oic
10 acid lactone),
11 (lx) testosterone (17[beta] -hydroxyandrost-
12 4-en-3-one),
13 (lxi) tetrahydrogestrinone (13[beta] , 17[alpha] -
14 diethyl-17[beta] -hydroxygon-
15 4,9,11-trien-3-one),
16 (lxii) trenbolone (17[beta] -hydroxyestr-4,9,
17 11-trien-3-one).

18 Any person who is otherwise lawfully in possession of an
19 anabolic steroid, or who otherwise lawfully manufactures,
20 distributes, dispenses, delivers, or possesses with intent to
21 deliver an anabolic steroid, which anabolic steroid is
22 expressly intended for and lawfully allowed to be administered
23 through implants to livestock or other nonhuman species, and
24 which is approved by the Secretary of Health and Human Services
25 for such administration, and which the person intends to
26 administer or have administered through such implants, shall

1 not be considered to be in unauthorized possession or to
2 unlawfully manufacture, distribute, dispense, deliver, or
3 possess with intent to deliver such anabolic steroid for
4 purposes of this Act.

5 (d) "Administration" means the Drug Enforcement
6 Administration, United States Department of Justice, or its
7 successor agency.

8 (d-5) "Clinical Director, Prescription Monitoring Program"
9 means a Department of Human Services administrative employee
10 licensed to either prescribe or dispense controlled substances
11 who shall run the clinical aspects of the Department of Human
12 Services Prescription Monitoring Program and its Prescription
13 Information Library.

14 (d-10) "Compounding" means the preparation and mixing of
15 components, excluding flavorings, (1) as the result of a
16 prescriber's prescription drug order or initiative based on the
17 prescriber-patient-pharmacist relationship in the course of
18 professional practice or (2) for the purpose of, or incident
19 to, research, teaching, or chemical analysis and not for sale
20 or dispensing. "Compounding" includes the preparation of drugs
21 or devices in anticipation of receiving prescription drug
22 orders based on routine, regularly observed dispensing
23 patterns. Commercially available products may be compounded
24 for dispensing to individual patients only if both of the
25 following conditions are met: (i) the commercial product is not
26 reasonably available from normal distribution channels in a

1 timely manner to meet the patient's needs and (ii) the
2 prescribing practitioner has requested that the drug be
3 compounded.

4 (e) "Control" means to add a drug or other substance, or
5 immediate precursor, to a Schedule whether by transfer from
6 another Schedule or otherwise.

7 (f) "Controlled Substance" means (i) a drug, substance, or
8 immediate precursor in the Schedules of Article II of this Act
9 or (ii) a drug or other substance, or immediate precursor,
10 designated as a controlled substance by the Department through
11 administrative rule. The term does not include distilled
12 spirits, wine, malt beverages, or tobacco, as those terms are
13 defined or used in the Liquor Control Act of 1934 and the
14 Tobacco Products Tax Act of 1995.

15 (f-5) "Controlled substance analog" means a substance:

16 (1) the chemical structure of which is substantially
17 similar to the chemical structure of a controlled substance
18 in Schedule I or II;

19 (2) which has a stimulant, depressant, or
20 hallucinogenic effect on the central nervous system that is
21 substantially similar to or greater than the stimulant,
22 depressant, or hallucinogenic effect on the central
23 nervous system of a controlled substance in Schedule I or
24 II; or

25 (3) with respect to a particular person, which such
26 person represents or intends to have a stimulant,

1 depressant, or hallucinogenic effect on the central
2 nervous system that is substantially similar to or greater
3 than the stimulant, depressant, or hallucinogenic effect
4 on the central nervous system of a controlled substance in
5 Schedule I or II.

6 (g) "Counterfeit substance" means a controlled substance,
7 which, or the container or labeling of which, without
8 authorization bears the trademark, trade name, or other
9 identifying mark, imprint, number or device, or any likeness
10 thereof, of a manufacturer, distributor, or dispenser other
11 than the person who in fact manufactured, distributed, or
12 dispensed the substance.

13 (h) "Deliver" or "delivery" means the actual, constructive
14 or attempted transfer of possession of a controlled substance,
15 with or without consideration, whether or not there is an
16 agency relationship.

17 (i) "Department" means the Illinois Department of Human
18 Services (as successor to the Department of Alcoholism and
19 Substance Abuse) or its successor agency.

20 (j) (Blank).

21 (k) "Department of Corrections" means the Department of
22 Corrections of the State of Illinois or its successor agency.

23 (l) "Department of Financial and Professional Regulation"
24 means the Department of Financial and Professional Regulation
25 of the State of Illinois or its successor agency.

26 (m) "Depressant" means any drug that (i) causes an overall

1 depression of central nervous system functions, (ii) causes
2 impaired consciousness and awareness, and (iii) can be
3 habit-forming or lead to a substance abuse problem, including
4 but not limited to alcohol, cannabis and its active principles
5 and their analogs, benzodiazepines and their analogs,
6 barbiturates and their analogs, opioids (natural and
7 synthetic) and their analogs, and chloral hydrate and similar
8 sedative hypnotics.

9 (n) (Blank).

10 (o) "Director" means the Director of the Illinois State
11 Police or his or her designated agents.

12 (p) "Dispense" means to deliver a controlled substance to
13 an ultimate user or research subject by or pursuant to the
14 lawful order of a prescriber, including the prescribing,
15 administering, packaging, labeling, or compounding necessary
16 to prepare the substance for that delivery.

17 (q) "Dispenser" means a practitioner who dispenses.

18 (r) "Distribute" means to deliver, other than by
19 administering or dispensing, a controlled substance.

20 (s) "Distributor" means a person who distributes.

21 (t) "Drug" means (1) substances recognized as drugs in the
22 official United States Pharmacopoeia, Official Homeopathic
23 Pharmacopoeia of the United States, or official National
24 Formulary, or any supplement to any of them; (2) substances
25 intended for use in diagnosis, cure, mitigation, treatment, or
26 prevention of disease in man or animals; (3) substances (other

1 than food) intended to affect the structure of any function of
2 the body of man or animals and (4) substances intended for use
3 as a component of any article specified in clause (1), (2), or
4 (3) of this subsection. It does not include devices or their
5 components, parts, or accessories.

6 (t-5) "Euthanasia agency" means an entity certified by the
7 Department of Financial and Professional Regulation for the
8 purpose of animal euthanasia that holds an animal control
9 facility license or animal shelter license under the Animal
10 Welfare Act. A euthanasia agency is authorized to purchase,
11 store, possess, and utilize Schedule II nonnarcotic and
12 Schedule III nonnarcotic drugs for the sole purpose of animal
13 euthanasia.

14 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
15 substances (nonnarcotic controlled substances) that are used
16 by a euthanasia agency for the purpose of animal euthanasia.

17 (u) "Good faith" means the prescribing or dispensing of a
18 controlled substance by a practitioner in the regular course of
19 professional treatment to or for any person who is under his or
20 her treatment for a pathology or condition other than that
21 individual's physical or psychological dependence upon or
22 addiction to a controlled substance, except as provided herein:
23 and application of the term to a pharmacist shall mean the
24 dispensing of a controlled substance pursuant to the
25 prescriber's order which in the professional judgment of the
26 pharmacist is lawful. The pharmacist shall be guided by

1 accepted professional standards including, but not limited to
2 the following, in making the judgment:

3 (1) lack of consistency of prescriber-patient
4 relationship,

5 (2) frequency of prescriptions for same drug by one
6 prescriber for large numbers of patients,

7 (3) quantities beyond those normally prescribed,

8 (4) unusual dosages (recognizing that there may be
9 clinical circumstances where more or less than the usual
10 dose may be used legitimately),

11 (5) unusual geographic distances between patient,
12 pharmacist and prescriber,

13 (6) consistent prescribing of habit-forming drugs.

14 (u-0.5) "Hallucinogen" means a drug that causes markedly
15 altered sensory perception leading to hallucinations of any
16 type.

17 (u-1) "Home infusion services" means services provided by a
18 pharmacy in compounding solutions for direct administration to
19 a patient in a private residence, long-term care facility, or
20 hospice setting by means of parenteral, intravenous,
21 intramuscular, subcutaneous, or intraspinal infusion.

22 (u-5) "Illinois State Police" means the State Police of the
23 State of Illinois, or its successor agency.

24 (v) "Immediate precursor" means a substance:

25 (1) which the Department has found to be and by rule
26 designated as being a principal compound used, or produced

1 primarily for use, in the manufacture of a controlled
2 substance;

3 (2) which is an immediate chemical intermediary used or
4 likely to be used in the manufacture of such controlled
5 substance; and

6 (3) the control of which is necessary to prevent,
7 curtail or limit the manufacture of such controlled
8 substance.

9 (w) "Instructional activities" means the acts of teaching,
10 educating or instructing by practitioners using controlled
11 substances within educational facilities approved by the State
12 Board of Education or its successor agency.

13 (x) "Local authorities" means a duly organized State,
14 County or Municipal peace unit or police force.

15 (y) "Look-alike substance" means a substance, other than a
16 controlled substance which (1) by overall dosage unit
17 appearance, including shape, color, size, markings or lack
18 thereof, taste, consistency, or any other identifying physical
19 characteristic of the substance, would lead a reasonable person
20 to believe that the substance is a controlled substance, or (2)
21 is expressly or impliedly represented to be a controlled
22 substance or is distributed under circumstances which would
23 lead a reasonable person to believe that the substance is a
24 controlled substance. For the purpose of determining whether
25 the representations made or the circumstances of the
26 distribution would lead a reasonable person to believe the

1 substance to be a controlled substance under this clause (2) of
2 subsection (y), the court or other authority may consider the
3 following factors in addition to any other factor that may be
4 relevant:

5 (a) statements made by the owner or person in control
6 of the substance concerning its nature, use or effect;

7 (b) statements made to the buyer or recipient that the
8 substance may be resold for profit;

9 (c) whether the substance is packaged in a manner
10 normally used for the illegal distribution of controlled
11 substances;

12 (d) whether the distribution or attempted distribution
13 included an exchange of or demand for money or other
14 property as consideration, and whether the amount of the
15 consideration was substantially greater than the
16 reasonable retail market value of the substance.

17 Clause (1) of this subsection (y) shall not apply to a
18 noncontrolled substance in its finished dosage form that was
19 initially introduced into commerce prior to the initial
20 introduction into commerce of a controlled substance in its
21 finished dosage form which it may substantially resemble.

22 Nothing in this subsection (y) prohibits the dispensing or
23 distributing of noncontrolled substances by persons authorized
24 to dispense and distribute controlled substances under this
25 Act, provided that such action would be deemed to be carried
26 out in good faith under subsection (u) if the substances

1 involved were controlled substances.

2 Nothing in this subsection (y) or in this Act prohibits the
3 manufacture, preparation, propagation, compounding,
4 processing, packaging, advertising or distribution of a drug or
5 drugs by any person registered pursuant to Section 510 of the
6 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

7 (y-1) "Mail-order pharmacy" means a pharmacy that is
8 located in a state of the United States that delivers,
9 dispenses or distributes, through the United States Postal
10 Service or other common carrier, to Illinois residents, any
11 substance which requires a prescription.

12 (z) "Manufacture" means the production, preparation,
13 propagation, compounding, conversion or processing of a
14 controlled substance other than methamphetamine, either
15 directly or indirectly, by extraction from substances of
16 natural origin, or independently by means of chemical
17 synthesis, or by a combination of extraction and chemical
18 synthesis, and includes any packaging or repackaging of the
19 substance or labeling of its container, except that this term
20 does not include:

21 (1) by an ultimate user, the preparation or compounding
22 of a controlled substance for his or her own use; or

23 (2) by a practitioner, or his or her authorized agent
24 under his or her supervision, the preparation,
25 compounding, packaging, or labeling of a controlled
26 substance:

1 (a) as an incident to his or her administering or
2 dispensing of a controlled substance in the course of
3 his or her professional practice; or

4 (b) as an incident to lawful research, teaching or
5 chemical analysis and not for sale.

6 (z-1) (Blank).

7 (z-5) "Medication shopping" means the conduct prohibited
8 under subsection (a) of Section 314.5 of this Act.

9 (z-10) "Mid-level practitioner" means (i) a physician
10 assistant who has been delegated authority to prescribe through
11 a written delegation of authority by a physician licensed to
12 practice medicine in all of its branches, in accordance with
13 Section 7.5 of the Physician Assistant Practice Act of 1987,
14 (ii) an advanced practice nurse who has been delegated
15 authority to prescribe through a written delegation of
16 authority by a physician licensed to practice medicine in all
17 of its branches or by a podiatric physician, in accordance with
18 Section 65-40 of the Nurse Practice Act, or (iii) an animal
19 euthanasia agency.

20 (aa) "Narcotic drug" means any of the following, whether
21 produced directly or indirectly by extraction from substances
22 of vegetable origin, or independently by means of chemical
23 synthesis, or by a combination of extraction and chemical
24 synthesis:

25 (1) opium, opiates, derivatives of opium and opiates,
26 including their isomers, esters, ethers, salts, and salts

1 of isomers, esters, and ethers, whenever the existence of
2 such isomers, esters, ethers, and salts is possible within
3 the specific chemical designation; however the term
4 "narcotic drug" does not include the isoquinoline
5 alkaloids of opium;

6 (2) (blank);

7 (3) opium poppy and poppy straw;

8 (4) coca leaves, except coca leaves and extracts of
9 coca leaves from which substantially all of the cocaine and
10 ecgonine, and their isomers, derivatives and salts, have
11 been removed;

12 (5) cocaine, its salts, optical and geometric isomers,
13 and salts of isomers;

14 (6) ecgonine, its derivatives, their salts, isomers,
15 and salts of isomers;

16 (7) any compound, mixture, or preparation which
17 contains any quantity of any of the substances referred to
18 in subparagraphs (1) through (6).

19 (bb) "Nurse" means a registered nurse licensed under the
20 Nurse Practice Act.

21 (cc) (Blank).

22 (dd) "Opiate" means any substance having an addiction
23 forming or addiction sustaining liability similar to morphine
24 or being capable of conversion into a drug having addiction
25 forming or addiction sustaining liability.

26 (ee) "Opium poppy" means the plant of the species *Papaver*

1 somniferum L., except its seeds.

2 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
3 solution or other liquid form of medication intended for
4 administration by mouth, but the term does not include a form
5 of medication intended for buccal, sublingual, or transmucosal
6 administration.

7 (ff) "Parole and Pardon Board" means the Parole and Pardon
8 Board of the State of Illinois or its successor agency.

9 (gg) "Person" means any individual, corporation,
10 mail-order pharmacy, government or governmental subdivision or
11 agency, business trust, estate, trust, partnership or
12 association, or any other entity.

13 (hh) "Pharmacist" means any person who holds a license or
14 certificate of registration as a registered pharmacist, a local
15 registered pharmacist or a registered assistant pharmacist
16 under the Pharmacy Practice Act.

17 (ii) "Pharmacy" means any store, ship or other place in
18 which pharmacy is authorized to be practiced under the Pharmacy
19 Practice Act.

20 (ii-5) "Pharmacy shopping" means the conduct prohibited
21 under subsection (b) of Section 314.5 of this Act.

22 (ii-10) "Physician" (except when the context otherwise
23 requires) means a person licensed to practice medicine in all
24 of its branches.

25 (jj) "Poppy straw" means all parts, except the seeds, of
26 the opium poppy, after mowing.

1 (kk) "Practitioner" means a physician licensed to practice
2 medicine in all its branches, dentist, optometrist, podiatric
3 physician, veterinarian, scientific investigator, pharmacist,
4 physician assistant, advanced practice nurse, licensed
5 practical nurse, registered nurse, hospital, laboratory, or
6 pharmacy, or other person licensed, registered, or otherwise
7 lawfully permitted by the United States or this State to
8 distribute, dispense, conduct research with respect to,
9 administer or use in teaching or chemical analysis, a
10 controlled substance in the course of professional practice or
11 research.

12 (ll) "Pre-printed prescription" means a written
13 prescription upon which the designated drug has been indicated
14 prior to the time of issuance; the term does not mean a written
15 prescription that is individually generated by machine or
16 computer in the prescriber's office.

17 (mm) "Prescriber" means a physician licensed to practice
18 medicine in all its branches, dentist, optometrist, podiatric
19 physician or veterinarian who issues a prescription, a
20 physician assistant who issues a prescription for a controlled
21 substance in accordance with Section 303.05, a written
22 delegation, and a written supervision agreement required under
23 Section 7.5 of the Physician Assistant Practice Act of 1987, or
24 an advanced practice nurse with prescriptive authority
25 delegated under Section 65-40 of the Nurse Practice Act and in
26 accordance with Section 303.05, a written delegation, and a

1 written collaborative agreement under Section 65-35 of the
2 Nurse Practice Act.

3 (nn) "Prescription" means a written, facsimile, or oral
4 order, or an electronic order that complies with applicable
5 federal requirements, of a physician licensed to practice
6 medicine in all its branches, dentist, podiatric physician or
7 veterinarian for any controlled substance, of an optometrist
8 for a Schedule III, IV, or V controlled substance in accordance
9 with Section 15.1 of the Illinois Optometric Practice Act of
10 1987, of a physician assistant for a controlled substance in
11 accordance with Section 303.05, a written delegation, and a
12 written supervision agreement required under Section 7.5 of the
13 Physician Assistant Practice Act of 1987, or of an advanced
14 practice nurse with prescriptive authority delegated under
15 Section 65-40 of the Nurse Practice Act who issues a
16 prescription for a controlled substance in accordance with
17 Section 303.05, a written delegation, and a written
18 collaborative agreement under Section 65-35 of the Nurse
19 Practice Act when required by law.

20 (nn-5) "Prescription Information Library" (PIL) means an
21 electronic library that contains reported controlled substance
22 data.

23 (nn-10) "Prescription Monitoring Program" (PMP) means the
24 entity that collects, tracks, and stores reported data on
25 controlled substances and select drugs pursuant to Section 316.

26 (oo) "Production" or "produce" means manufacture,

1 planting, cultivating, growing, or harvesting of a controlled
2 substance other than methamphetamine.

3 (pp) "Registrant" means every person who is required to
4 register under Section 302 of this Act.

5 (qq) "Registry number" means the number assigned to each
6 person authorized to handle controlled substances under the
7 laws of the United States and of this State.

8 (qq-5) "Secretary" means, as the context requires, either
9 the Secretary of the Department or the Secretary of the
10 Department of Financial and Professional Regulation, and the
11 Secretary's designated agents.

12 (rr) "State" includes the State of Illinois and any state,
13 district, commonwealth, territory, insular possession thereof,
14 and any area subject to the legal authority of the United
15 States of America.

16 (rr-5) "Stimulant" means any drug that (i) causes an
17 overall excitation of central nervous system functions, (ii)
18 causes impaired consciousness and awareness, and (iii) can be
19 habit-forming or lead to a substance abuse problem, including
20 but not limited to amphetamines and their analogs,
21 methylphenidate and its analogs, cocaine, and phencyclidine
22 and its analogs.

23 (ss) "Ultimate user" means a person who lawfully possesses
24 a controlled substance for his or her own use or for the use of
25 a member of his or her household or for administering to an
26 animal owned by him or her or by a member of his or her

1 household.

2 (Source: P.A. 97-334, eff. 1-1-12; 98-214, eff. 8-9-13; revised
3 11-12-13.)

4 (720 ILCS 570/201) (from Ch. 56 1/2, par. 1201)

5 Sec. 201. (a) The Department shall carry out the provisions
6 of this Article. The Department or its successor agency may, by
7 administrative rule, add additional substances to or delete or
8 reschedule all controlled substances in the Schedules of
9 Sections 204, 206, 208, 210 and 212 of this Act. In making a
10 determination regarding the addition, deletion, or
11 rescheduling of a substance, the Department shall consider the
12 following:

13 (1) the actual or relative potential for abuse;

14 (2) the scientific evidence of its pharmacological
15 effect, if known;

16 (3) the state of current scientific knowledge
17 regarding the substance;

18 (4) the history and current pattern of abuse;

19 (5) the scope, duration, and significance of abuse;

20 (6) the risk to the public health;

21 (7) the potential of the substance to produce
22 psychological or physiological dependence;

23 (8) whether the substance is an immediate precursor of
24 a substance already controlled under this Article;

25 (9) the immediate harmful effect in terms of

1 potentially fatal dosage; and

2 (10) the long-range effects in terms of permanent
3 health impairment.

4 (b) (Blank).

5 (c) (Blank).

6 (d) If any substance is scheduled, rescheduled, or deleted
7 as a controlled substance under Federal law and notice thereof
8 is given to the Department, the Department shall similarly
9 control the substance under this Act after the expiration of 30
10 days from publication in the Federal Register of a final order
11 scheduling a substance as a controlled substance or
12 rescheduling or deleting a substance, unless within that 30 day
13 period the Department objects, or a party adversely affected
14 files with the Department substantial written objections
15 objecting to inclusion, rescheduling, or deletion. In that
16 case, the Department shall publish the reasons for objection or
17 the substantial written objections and afford all interested
18 parties an opportunity to be heard. At the conclusion of the
19 hearing, the Department shall publish its decision, by means of
20 a rule, which shall be final unless altered by statute. Upon
21 publication of objections by the Department, similar control
22 under this Act whether by inclusion, rescheduling or deletion
23 is stayed until the Department publishes its ruling.

24 (e) (Blank).

25 (f) (Blank).

26 (g) Authority to control under this Section does not extend

1 to distilled spirits, wine, malt beverages, or tobacco as those
2 terms are defined or used in the Liquor Control Act of 1934 and
3 the Tobacco Products Tax Act of 1995.

4 (h) Persons registered with the Drug Enforcement
5 Administration to manufacture or distribute controlled
6 substances shall maintain adequate security and provide
7 effective controls and procedures to guard against theft and
8 diversion, but shall not otherwise be required to meet the
9 physical security control requirements (such as cage or vault)
10 for Schedule V controlled substances containing
11 pseudoephedrine or Schedule II controlled substances
12 containing dextromethorphan.

13 (Source: P.A. 97-334, eff. 1-1-12; revised 11-12-13.)

14 Section 710. The Rights of Crime Victims and Witnesses Act
15 is amended by changing Section 4.5 as follows:

16 (725 ILCS 120/4.5)

17 Sec. 4.5. Procedures to implement the rights of crime
18 victims. To afford crime victims their rights, law enforcement,
19 prosecutors, judges and corrections will provide information,
20 as appropriate of the following procedures:

21 (a) At the request of the crime victim, law enforcement
22 authorities investigating the case shall provide notice of the
23 status of the investigation, except where the State's Attorney
24 determines that disclosure of such information would

1 unreasonably interfere with the investigation, until such time
2 as the alleged assailant is apprehended or the investigation is
3 closed.

4 (a-5) When law enforcement authorities re-open a closed
5 case to resume investigating, they shall provide notice of the
6 re-opening of the case, except where the State's Attorney
7 determines that disclosure of such information would
8 unreasonably interfere with the investigation.

9 (b) The office of the State's Attorney:

10 (1) shall provide notice of the filing of information,
11 the return of an indictment by which a prosecution for any
12 violent crime is commenced, or the filing of a petition to
13 adjudicate a minor as a delinquent for a violent crime;

14 (2) shall provide notice of the date, time, and place
15 of trial;

16 (3) or victim advocate personnel shall provide
17 information of social services and financial assistance
18 available for victims of crime, including information of
19 how to apply for these services and assistance;

20 (3.5) or victim advocate personnel shall provide
21 information about available victim services, including
22 referrals to programs, counselors, and agencies that
23 assist a victim to deal with trauma, loss, and grief;

24 (4) shall assist in having any stolen or other personal
25 property held by law enforcement authorities for
26 evidentiary or other purposes returned as expeditiously as

1 possible, pursuant to the procedures set out in Section
2 115-9 of the Code of Criminal Procedure of 1963;

3 (5) or victim advocate personnel shall provide
4 appropriate employer intercession services to ensure that
5 employers of victims will cooperate with the criminal
6 justice system in order to minimize an employee's loss of
7 pay and other benefits resulting from court appearances;

8 (6) shall provide information whenever possible, of a
9 secure waiting area during court proceedings that does not
10 require victims to be in close proximity to defendant or
11 juveniles accused of a violent crime, and their families
12 and friends;

13 (7) shall provide notice to the crime victim of the
14 right to have a translator present at all court proceedings
15 and, in compliance with the federal Americans with
16 Disabilities Act of 1990, the right to communications
17 access through a sign language interpreter or by other
18 means;

19 (8) in the case of the death of a person, which death
20 occurred in the same transaction or occurrence in which
21 acts occurred for which a defendant is charged with an
22 offense, shall notify the spouse, parent, child or sibling
23 of the decedent of the date of the trial of the person or
24 persons allegedly responsible for the death;

25 (9) shall inform the victim of the right to have
26 present at all court proceedings, subject to the rules of

1 evidence, an advocate or other support person of the
2 victim's choice, and the right to retain an attorney, at
3 the victim's own expense, who, upon written notice filed
4 with the clerk of the court and State's Attorney, is to
5 receive copies of all notices, motions and court orders
6 filed thereafter in the case, in the same manner as if the
7 victim were a named party in the case;

8 (9.5) shall inform the victim of (A) the victim's right
9 under Section 6 of this Act to make a victim impact
10 statement at the sentencing hearing; (B) the right of the
11 victim's spouse, guardian, parent, grandparent and other
12 immediate family and household members under Section 6 of
13 this Act to present an impact statement at sentencing; and
14 (C) if a presentence report is to be prepared, the right of
15 the victim's spouse, guardian, parent, grandparent and
16 other immediate family and household members to submit
17 information to the preparer of the presentence report about
18 the effect the offense has had on the victim and the
19 person;

20 (10) at the sentencing hearing shall make a good faith
21 attempt to explain the minimum amount of time during which
22 the defendant may actually be physically imprisoned. The
23 Office of the State's Attorney shall further notify the
24 crime victim of the right to request from the Prisoner
25 Review Board information concerning the release of the
26 defendant under subparagraph (d) (1) of this Section;

1 (11) shall request restitution at sentencing and shall
2 consider restitution in any plea negotiation, as provided
3 by law; and

4 (12) shall, upon the court entering a verdict of not
5 guilty by reason of insanity, inform the victim of the
6 notification services available from the Department of
7 Human Services, including the statewide telephone number,
8 under subparagraph (d) (2) of this Section.

9 (c) At the written request of the crime victim, the office
10 of the State's Attorney shall:

11 (1) provide notice a reasonable time in advance of the
12 following court proceedings: preliminary hearing, any
13 hearing the effect of which may be the release of defendant
14 from custody, or to alter the conditions of bond and the
15 sentencing hearing. The crime victim shall also be notified
16 of the cancellation of the court proceeding in sufficient
17 time, wherever possible, to prevent an unnecessary
18 appearance in court;

19 (2) provide notice within a reasonable time after
20 receipt of notice from the custodian, of the release of the
21 defendant on bail or personal recognizance or the release
22 from detention of a minor who has been detained for a
23 violent crime;

24 (3) explain in nontechnical language the details of any
25 plea or verdict of a defendant, or any adjudication of a
26 juvenile as a delinquent for a violent crime;

1 (4) where practical, consult with the crime victim
2 before the Office of the State's Attorney makes an offer of
3 a plea bargain to the defendant or enters into negotiations
4 with the defendant concerning a possible plea agreement,
5 and shall consider the written victim impact statement, if
6 prepared prior to entering into a plea agreement;

7 (5) provide notice of the ultimate disposition of the
8 cases arising from an indictment or an information, or a
9 petition to have a juvenile adjudicated as a delinquent for
10 a violent crime;

11 (6) provide notice of any appeal taken by the defendant
12 and information on how to contact the appropriate agency
13 handling the appeal;

14 (7) provide notice of any request for post-conviction
15 review filed by the defendant under Article 122 of the Code
16 of Criminal Procedure of 1963, and of the date, time and
17 place of any hearing concerning the petition. Whenever
18 possible, notice of the hearing shall be given in advance;

19 (8) forward a copy of any statement presented under
20 Section 6 to the Prisoner Review Board to be considered by
21 the Board in making its determination under subsection (b)
22 of Section 3-3-8 of the Unified Code of Corrections.

23 (d) (1) The Prisoner Review Board shall inform a victim or
24 any other concerned citizen, upon written request, of the
25 prisoner's release on parole, aftercare release, mandatory
26 supervised release, electronic detention, work release,

1 international transfer or exchange, or by the custodian of the
2 discharge of any individual who was adjudicated a delinquent
3 for a violent crime from State custody and by the sheriff of
4 the appropriate county of any such person's final discharge
5 from county custody. The Prisoner Review Board, upon written
6 request, shall provide to a victim or any other concerned
7 citizen a recent photograph of any person convicted of a
8 felony, upon his or her release from custody. The Prisoner
9 Review Board, upon written request, shall inform a victim or
10 any other concerned citizen when feasible at least 7 days prior
11 to the prisoner's release on furlough of the times and dates of
12 such furlough. Upon written request by the victim or any other
13 concerned citizen, the State's Attorney shall notify the person
14 once of the times and dates of release of a prisoner sentenced
15 to periodic imprisonment. Notification shall be based on the
16 most recent information as to victim's or other concerned
17 citizen's residence or other location available to the
18 notifying authority.

19 (2) When the defendant has been committed to the Department
20 of Human Services pursuant to Section 5-2-4 or any other
21 provision of the Unified Code of Corrections, the victim may
22 request to be notified by the releasing authority of the
23 approval by the court of an on-grounds pass, a supervised
24 off-grounds pass, an unsupervised off-grounds pass, or
25 conditional release; the release on an off-grounds pass; the
26 return from an off-grounds pass; transfer to another facility;

1 conditional release; escape; death; or final discharge from
2 State custody. The Department of Human Services shall establish
3 and maintain a statewide telephone number to be used by victims
4 to make notification requests under these provisions and shall
5 publicize this telephone number on its website and to the
6 State's Attorney of each county.

7 (3) In the event of an escape from State custody, the
8 Department of Corrections or the Department of Juvenile Justice
9 immediately shall notify the Prisoner Review Board of the
10 escape and the Prisoner Review Board shall notify the victim.
11 The notification shall be based upon the most recent
12 information as to the victim's residence or other location
13 available to the Board. When no such information is available,
14 the Board shall make all reasonable efforts to obtain the
15 information and make the notification. When the escapee is
16 apprehended, the Department of Corrections or the Department of
17 Juvenile Justice immediately shall notify the Prisoner Review
18 Board and the Board shall notify the victim.

19 (4) The victim of the crime for which the prisoner has been
20 sentenced shall receive reasonable written notice not less than
21 30 days prior to the parole or aftercare release hearing and
22 may submit, in writing, on film, videotape or other electronic
23 means or in the form of a recording or in person at the parole
24 or aftercare release hearing or if a victim of a violent crime,
25 by calling the toll-free number established in subsection (f)
26 of this Section, information for consideration by the Prisoner

1 Review Board. The victim shall be notified within 7 days after
2 the prisoner has been granted parole or aftercare release and
3 shall be informed of the right to inspect the registry of
4 parole or aftercare release decisions, established under
5 subsection (g) of Section 3-3-5 of the Unified Code of
6 Corrections. The provisions of this paragraph (4) are subject
7 to the Open Parole Hearings Act.

8 (5) If a statement is presented under Section 6, the
9 Prisoner Review Board shall inform the victim of any order of
10 discharge entered by the Board pursuant to Section 3-3-8 of the
11 Unified Code of Corrections.

12 (6) At the written request of the victim of the crime for
13 which the prisoner was sentenced or the State's Attorney of the
14 county where the person seeking parole or aftercare release was
15 prosecuted, the Prisoner Review Board shall notify the victim
16 and the State's Attorney of the county where the person seeking
17 parole or aftercare release was prosecuted of the death of the
18 prisoner if the prisoner died while on parole or aftercare
19 release or mandatory supervised release.

20 (7) When a defendant who has been committed to the
21 Department of Corrections, the Department of Juvenile Justice,
22 or the Department of Human Services is released or discharged
23 and subsequently committed to the Department of Human Services
24 as a sexually violent person and the victim had requested to be
25 notified by the releasing authority of the defendant's
26 discharge, conditional release, death, or escape from State

1 custody, the releasing authority shall provide to the
2 Department of Human Services such information that would allow
3 the Department of Human Services to contact the victim.

4 (8) When a defendant has been convicted of a sex offense as
5 defined in Section 2 of the Sex Offender Registration Act and
6 has been sentenced to the Department of Corrections or the
7 Department of Juvenile Justice, the Prisoner Review Board shall
8 notify the victim of the sex offense of the prisoner's
9 eligibility for release on parole, aftercare release,
10 mandatory supervised release, electronic detention, work
11 release, international transfer or exchange, or by the
12 custodian of the discharge of any individual who was
13 adjudicated a delinquent for a sex offense from State custody
14 and by the sheriff of the appropriate county of any such
15 person's final discharge from county custody. The notification
16 shall be made to the victim at least 30 days, whenever
17 possible, before release of the sex offender.

18 (e) The officials named in this Section may satisfy some or
19 all of their obligations to provide notices and other
20 information through participation in a statewide victim and
21 witness notification system established by the Attorney
22 General under Section 8.5 of this Act.

23 (f) To permit a victim of a violent crime to provide
24 information to the Prisoner Review Board for consideration by
25 the Board at a parole or aftercare release hearing of a person
26 who committed the crime against the victim in accordance with

1 clause (d) (4) of this Section or at a proceeding to determine
2 the conditions of mandatory supervised release of a person
3 sentenced to a determinate sentence or at a hearing on
4 revocation of mandatory supervised release of a person
5 sentenced to a determinate sentence, the Board shall establish
6 a toll-free number that may be accessed by the victim of a
7 violent crime to present that information to the Board.

8 (Source: P.A. 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; 97-813,
9 eff. 7-13-12; 97-815, eff. 1-1-13; 98-372, eff. 1-1-14; 98-558,
10 eff. 1-1-14; revised 9-24-13.)

11 Section 715. The Sexually Violent Persons Commitment Act is
12 amended by changing Section 30 as follows:

13 (725 ILCS 207/30)

14 Sec. 30. Detention; probable cause hearing; transfer for
15 examination.

16 (a) Upon the filing of a petition under Section 15 of this
17 Act, the court shall review the petition to determine whether
18 to issue an order for detention of the person who is the
19 subject of the petition. The person shall be detained only if
20 there is cause to believe that the person is eligible for
21 commitment under subsection (f) of Section 35 of this Act. A
22 person detained under this Section shall be held in a facility
23 approved by the Department. The Department may elect to place
24 persons who have been ordered by the court to be detained in a

1 State-operated mental health facility or a portion of that
2 facility. Persons placed in a State-operated mental health
3 facility under this Act shall be separated and shall not
4 comingle with the recipients of the mental health facility. The
5 portion of a State-operated mental health facility that is used
6 for the persons detained under this Act shall not be a part of
7 the mental health facility for the enforcement and
8 implementation of the Mental Health and Developmental
9 Disabilities Code nor shall their care and treatment be subject
10 to the provisions of the Mental Health and Developmental
11 Disabilities Code. The changes added to this Section by Public
12 Act 98-79 ~~this amendatory Act of the 98th General Assembly~~ are
13 inoperative on and after June 30, 2015. If the person is
14 serving a sentence of imprisonment, is in a Department of
15 Corrections correctional facility or juvenile correctional
16 facility or is committed to institutional care, and the court
17 orders detention under this Section, the court shall order that
18 the person be transferred to a detention facility approved by
19 the Department. A detention order under this Section remains in
20 effect until the person is discharged after a trial under
21 Section 35 of this Act or until the effective date of a
22 commitment order under Section 40 of this Act, whichever is
23 applicable.

24 (b) Whenever a petition is filed under Section 15 of this
25 Act, the court shall hold a hearing to determine whether there
26 is probable cause to believe that the person named in the

1 petition is a sexually violent person. If the person named in
2 the petition is in custody, the court shall hold the probable
3 cause hearing within 72 hours after the petition is filed,
4 excluding Saturdays, Sundays and legal holidays. The court may
5 grant a continuance of the probable cause hearing for no more
6 than 7 additional days upon the motion of the respondent, for
7 good cause. If the person named in the petition has been
8 released, is on parole, is on aftercare release, is on
9 mandatory supervised release, or otherwise is not in custody,
10 the court shall hold the probable cause hearing within a
11 reasonable time after the filing of the petition. At the
12 probable cause hearing, the court shall admit and consider all
13 relevant hearsay evidence.

14 (c) If the court determines after a hearing that there is
15 probable cause to believe that the person named in the petition
16 is a sexually violent person, the court shall order that the
17 person be taken into custody if he or she is not in custody and
18 shall order the person to be transferred within a reasonable
19 time to an appropriate facility for an evaluation as to whether
20 the person is a sexually violent person. If the person who is
21 named in the petition refuses to speak to, communicate with, or
22 otherwise fails to cooperate with the examining evaluator from
23 the Department of Human Services or the Department of
24 Corrections, that person may only introduce evidence and
25 testimony from any expert or professional person who is
26 retained or court-appointed to conduct an examination of the

1 person that results from a review of the records and may not
2 introduce evidence resulting from an examination of the person.
3 Notwithstanding the provisions of Section 10 of the Mental
4 Health and Developmental Disabilities Confidentiality Act, all
5 evaluations conducted pursuant to this Act and all Illinois
6 Department of Corrections treatment records shall be
7 admissible at all proceedings held pursuant to this Act,
8 including the probable cause hearing and the trial.

9 If the court determines that probable cause does not exist
10 to believe that the person is a sexually violent person, the
11 court shall dismiss the petition.

12 (d) The Department shall promulgate rules that provide the
13 qualifications for persons conducting evaluations under
14 subsection (c) of this Section.

15 (e) If the person named in the petition claims or appears
16 to be indigent, the court shall, prior to the probable cause
17 hearing under subsection (b) of this Section, appoint counsel.

18 (Source: P.A. 98-79, eff. 7-15-13; 98-558, eff. 1-1-14; revised
19 9-24-13.)

20 Section 720. The Unified Code of Corrections is amended by
21 changing Sections 3-2-2, 3-2.5-20, 3-3-2, 3-5-1, 5-5-3,
22 5-5-3.2, 5-5-5, and 5-8A-3 as follows:

23 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

24 Sec. 3-2-2. Powers and Duties of the Department.

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

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

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

25 (b-1) To create and implement, on January 1, 2002, a
26 pilot program to establish the effectiveness of

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

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

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

1 State Penitentiary System.

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

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

23 (c-5) To build and maintain regional juvenile
24 detention centers and to charge a per diem to the counties
25 as established by the Department to defray the costs of
26 housing each minor in a center. In this subsection (c-5),

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

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

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

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

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

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

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

24 (h) To investigate the grievances of any person
25 committed to the Department, to inquire into any alleged
26 misconduct by employees or committed persons, and to

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

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

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

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

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

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

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

15 (l-5) (Blank).

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

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

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

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

7 (q) To establish a diversion program.

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

15 Elements of the program shall include, but shall not be
16 limited to, the following:

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

20 (2) Participants shall be required to maintain
21 employment.

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

25 (4) Each participant shall:

26 (A) provide restitution to victims in

1 accordance with any court order;

2 (B) provide financial support to his
3 dependents; and

4 (C) make appropriate payments toward any other
5 court-ordered obligations.

6 (5) Each participant shall complete community
7 service in addition to employment.

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

11 (7) Participants shall submit to drug and alcohol
12 screening.

13 (8) The Department shall promulgate rules
14 governing the administration of the program.

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

20 (r-5) (Blank).

21 (r-10) To systematically and routinely identify with
22 respect to each streetgang active within the correctional
23 system: (1) each active gang; (2) every existing inter-gang
24 affiliation or alliance; and (3) the current leaders in
25 each gang. The Department shall promptly segregate leaders
26 from inmates who belong to their gangs and allied gangs.

1 "Segregate" means no physical contact and, to the extent
2 possible under the conditions and space available at the
3 correctional facility, prohibition of visual and sound
4 communication. For the purposes of this paragraph (r-10),
5 "leaders" means persons who:

6 (i) are members of a criminal streetgang;

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

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

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

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

24 (t) To monitor any unprivileged conversation or any
25 unprivileged communication, whether in person or by mail,
26 telephone, or other means, between an inmate who, before

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

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

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

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

1 to all sheriffs, coroners, and police officers, or to any
2 particular person named in the order. Any order issued
3 pursuant to this subdivision (1) (u-5) shall be sufficient
4 warrant for the officer or person named in the order to
5 arrest and deliver the committed person to the proper
6 correctional officials and shall be executed the same as
7 criminal process.

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

10 (2) The Department of Corrections shall by January 1, 1998,
11 consider building and operating a correctional facility within
12 100 miles of a county of over 2,000,000 inhabitants, especially
13 a facility designed to house juvenile participants in the
14 impact incarceration program.

15 (3) When the Department lets bids for contracts for medical
16 services to be provided to persons committed to Department
17 facilities by a health maintenance organization, medical
18 service corporation, or other health care provider, the bid may
19 only be let to a health care provider that has obtained an
20 irrevocable letter of credit or performance bond issued by a
21 company whose bonds have an investment grade or higher rating
22 by a bond rating organization.

23 (4) When the Department lets bids for contracts for food or
24 commissary services to be provided to Department facilities,
25 the bid may only be let to a food or commissary services
26 provider that has obtained an irrevocable letter of credit or

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

4 (5) On and after the date 6 months after August 16, 2013
5 (the effective date of Public Act 98-488) ~~this amendatory Act~~
6 ~~of the 98th General Assembly,~~ as provided in the Executive
7 Order 1 (2012) Implementation Act, all of the powers, duties,
8 rights, and responsibilities related to State healthcare
9 purchasing under this Code that were transferred from the
10 Department of Corrections to the Department of Healthcare and
11 Family Services by Executive Order 3 (2005) are transferred
12 back to the Department of Corrections; however, powers, duties,
13 rights, and responsibilities related to State healthcare
14 purchasing under this Code that were exercised by the
15 Department of Corrections before the effective date of
16 Executive Order 3 (2005) but that pertain to individuals
17 resident in facilities operated by the Department of Juvenile
18 Justice are transferred to the Department of Juvenile Justice.

19 (Source: P.A. 97-697, eff. 6-22-12; 97-800, eff. 7-13-12;
20 97-802, eff. 7-13-12; 98-463, eff. 8-16-13; 98-488, eff.
21 8-16-13; 98-558, eff. 1-1-14; revised 9-24-13.)

22 (730 ILCS 5/3-2.5-20)

23 Sec. 3-2.5-20. General powers and duties.

24 (a) In addition to the powers, duties, and responsibilities
25 which are otherwise provided by law or transferred to the

1 Department as a result of this Article, the Department, as
2 determined by the Director, shall have, but are not limited to,
3 the following rights, powers, functions and duties:

4 (1) To accept juveniles committed to it by the courts
5 of this State for care, custody, treatment, and
6 rehabilitation.

7 (2) To maintain and administer all State juvenile
8 correctional institutions previously under the control of
9 the Juvenile and Women's & Children Divisions of the
10 Department of Corrections, and to establish and maintain
11 institutions as needed to meet the needs of the youth
12 committed to its care.

13 (3) To identify the need for and recommend the funding
14 and implementation of an appropriate mix of programs and
15 services within the juvenile justice continuum, including
16 but not limited to prevention, nonresidential and
17 residential commitment programs, day treatment, and
18 conditional release programs and services, with the
19 support of educational, vocational, alcohol, drug abuse,
20 and mental health services where appropriate.

21 (3.5) To assist youth committed to the Department of
22 Juvenile Justice under the Juvenile Court Act of 1987 with
23 successful reintegration into society, the Department
24 shall retain custody and control of all adjudicated
25 delinquent juveniles released under Section 3-3-10 of this
26 Code, shall provide a continuum of post-release treatment

1 and services to those youth, and shall supervise those
2 youth during their release period in accordance with the
3 conditions set by the Prisoner Review Board.

4 (4) To establish and provide transitional and
5 post-release treatment programs for juveniles committed to
6 the Department. Services shall include but are not limited
7 to:

8 (i) family and individual counseling and treatment
9 placement;

10 (ii) referral services to any other State or local
11 agencies;

12 (iii) mental health services;

13 (iv) educational services;

14 (v) family counseling services; and

15 (vi) substance abuse services.

16 (5) To access vital records of juveniles for the
17 purposes of providing necessary documentation for
18 transitional services such as obtaining identification,
19 educational enrollment, employment, and housing.

20 (6) To develop staffing and workload standards and
21 coordinate staff development and training appropriate for
22 juvenile populations.

23 (7) To develop, with the approval of the Office of the
24 Governor and the Governor's Office of Management and
25 Budget, annual budget requests.

26 (8) To administer the Interstate Compact for

1 Juveniles, with respect to all juveniles under its
2 jurisdiction, and to cooperate with the Department of Human
3 Services with regard to all non-offender juveniles subject
4 to the Interstate Compact for Juveniles.

5 (b) The Department may employ personnel in accordance with
6 the Personnel Code and Section 3-2.5-15 of this Code, provide
7 facilities, contract for goods and services, and adopt rules as
8 necessary to carry out its functions and purposes, all in
9 accordance with applicable State and federal law.

10 (c) On and after the date 6 months after August 16, 2013
11 (the effective date of Public Act 98-488) ~~this amendatory Act~~
12 ~~of the 98th General Assembly~~, as provided in the Executive
13 Order 1 (2012) Implementation Act, all of the powers, duties,
14 rights, and responsibilities related to State healthcare
15 purchasing under this Code that were transferred from the
16 Department of Corrections to the Department of Healthcare and
17 Family Services by Executive Order 3 (2005) are transferred
18 back to the Department of Corrections; however, powers, duties,
19 rights, and responsibilities related to State healthcare
20 purchasing under this Code that were exercised by the
21 Department of Corrections before the effective date of
22 Executive Order 3 (2005) but that pertain to individuals
23 resident in facilities operated by the Department of Juvenile
24 Justice are transferred to the Department of Juvenile Justice.

25 (Source: P.A. 98-488, eff. 8-16-13; 98-558, eff. 1-1-14;
26 revised 9-24-13.)

1 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

2 Sec. 3-3-2. Powers and Duties.

3 (a) The Parole and Pardon Board is abolished and the term
4 "Parole and Pardon Board" as used in any law of Illinois, shall
5 read "Prisoner Review Board." After the effective date of this
6 amendatory Act of 1977, the Prisoner Review Board shall provide
7 by rule for the orderly transition of all files, records, and
8 documents of the Parole and Pardon Board and for such other
9 steps as may be necessary to effect an orderly transition and
10 shall:

11 (1) hear by at least one member and through a panel of
12 at least 3 members decide, cases of prisoners who were
13 sentenced under the law in effect prior to the effective
14 date of this amendatory Act of 1977, and who are eligible
15 for parole;

16 (2) hear by at least one member and through a panel of
17 at least 3 members decide, the conditions of parole and the
18 time of discharge from parole, impose sanctions for
19 violations of parole, and revoke parole for those sentenced
20 under the law in effect prior to this amendatory Act of
21 1977; provided that the decision to parole and the
22 conditions of parole for all prisoners who were sentenced
23 for first degree murder or who received a minimum sentence
24 of 20 years or more under the law in effect prior to
25 February 1, 1978 shall be determined by a majority vote of

1 the Prisoner Review Board. One representative supporting
2 parole and one representative opposing parole will be
3 allowed to speak. Their comments shall be limited to making
4 corrections and filling in omissions to the Board's
5 presentation and discussion;

6 (3) hear by at least one member and through a panel of
7 at least 3 members decide, the conditions of mandatory
8 supervised release and the time of discharge from mandatory
9 supervised release, impose sanctions for violations of
10 mandatory supervised release, and revoke mandatory
11 supervised release for those sentenced under the law in
12 effect after the effective date of this amendatory Act of
13 1977;

14 (3.5) hear by at least one member and through a panel
15 of at least 3 members decide, the conditions of mandatory
16 supervised release and the time of discharge from mandatory
17 supervised release, to impose sanctions for violations of
18 mandatory supervised release and revoke mandatory
19 supervised release for those serving extended supervised
20 release terms pursuant to paragraph (4) of subsection (d)
21 of Section 5-8-1;

22 (3.6) hear by at least one member and through a panel
23 of at least 3 members decide, the time of aftercare
24 release, the conditions of aftercare release and the time
25 of discharge from aftercare release, impose sanctions for
26 violations of aftercare release, and revoke aftercare

1 release for those adjudicated delinquent under the
2 Juvenile Court Act of 1987;

3 (4) hear by at least one member and through a panel of
4 at least 3 members, decide cases brought by the Department
5 of Corrections against a prisoner in the custody of the
6 Department for alleged violation of Department rules with
7 respect to sentence credits under Section 3-6-3 of this
8 Code in which the Department seeks to revoke sentence
9 credits, if the amount of time at issue exceeds 30 days or
10 when, during any 12 month period, the cumulative amount of
11 credit revoked exceeds 30 days except where the infraction
12 is committed or discovered within 60 days of scheduled
13 release. In such cases, the Department of Corrections may
14 revoke up to 30 days of sentence credit. The Board may
15 subsequently approve the revocation of additional sentence
16 credit, if the Department seeks to revoke sentence credit
17 in excess of thirty days. However, the Board shall not be
18 empowered to review the Department's decision with respect
19 to the loss of 30 days of sentence credit for any prisoner
20 or to increase any penalty beyond the length requested by
21 the Department;

22 (5) hear by at least one member and through a panel of
23 at least 3 members decide, the release dates for certain
24 prisoners sentenced under the law in existence prior to the
25 effective date of this amendatory Act of 1977, in
26 accordance with Section 3-3-2.1 of this Code;

1 (6) hear by at least one member and through a panel of
2 at least 3 members decide, all requests for pardon,
3 reprieve or commutation, and make confidential
4 recommendations to the Governor;

5 (7) comply with the requirements of the Open Parole
6 Hearings Act;

7 (8) hear by at least one member and, through a panel of
8 at least 3 members, decide cases brought by the Department
9 of Corrections against a prisoner in the custody of the
10 Department for court dismissal of a frivolous lawsuit
11 pursuant to Section 3-6-3(d) of this Code in which the
12 Department seeks to revoke up to 180 days of sentence
13 credit, and if the prisoner has not accumulated 180 days of
14 sentence credit at the time of the dismissal, then all
15 sentence credit accumulated by the prisoner shall be
16 revoked;

17 (9) hear by at least 3 members, and, through a panel of
18 at least 3 members, decide whether to grant certificates of
19 relief from disabilities or certificates of good conduct as
20 provided in Article 5.5 of Chapter V;

21 (10) upon a petition by a person who has been convicted
22 of a Class 3 or Class 4 felony and who meets the
23 requirements of this paragraph, hear by at least 3 members
24 and, with the unanimous vote of a panel of 3 members, issue
25 a certificate of eligibility for sealing recommending that
26 the court order the sealing of all official records of the

1 arresting authority, the circuit court clerk, and the
2 Department of State Police concerning the arrest and
3 conviction for the Class 3 or 4 felony. A person may not
4 apply to the Board for a certificate of eligibility for
5 sealing:

6 (A) until 5 years have elapsed since the expiration
7 of his or her sentence;

8 (B) until 5 years have elapsed since any arrests or
9 detentions by a law enforcement officer for an alleged
10 violation of law, other than a petty offense, traffic
11 offense, conservation offense, or local ordinance
12 offense;

13 (C) if convicted of a violation of the Cannabis
14 Control Act, Illinois Controlled Substances Act, the
15 Methamphetamine Control and Community Protection Act,
16 the Methamphetamine Precursor Control Act, or the
17 Methamphetamine Precursor Tracking Act unless the
18 petitioner has completed a drug abuse program for the
19 offense on which sealing is sought and provides proof
20 that he or she has completed the program successfully;

21 (D) if convicted of:

22 (i) a sex offense described in Article 11 or
23 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
24 the Criminal Code of 1961 or the Criminal Code of
25 2012;

26 (ii) aggravated assault;

1 (iii) aggravated battery;

2 (iv) domestic battery;

3 (v) aggravated domestic battery;

4 (vi) violation of an order of protection;

5 (vii) an offense under the Criminal Code of
6 1961 or the Criminal Code of 2012 involving a
7 firearm;

8 (viii) driving while under the influence of
9 alcohol, other drug or drugs, intoxicating
10 compound or compounds or any combination thereof;

11 (ix) aggravated driving while under the
12 influence of alcohol, other drug or drugs,
13 intoxicating compound or compounds or any
14 combination thereof; or

15 (x) any crime defined as a crime of violence
16 under Section 2 of the Crime Victims Compensation
17 Act.

18 If a person has applied to the Board for a certificate
19 of eligibility for sealing and the Board denies the
20 certificate, the person must wait at least 4 years before
21 filing again or filing for pardon from the Governor unless
22 the Chairman of the Prisoner Review Board grants a waiver.

23 The decision to issue or refrain from issuing a
24 certificate of eligibility for sealing shall be at the
25 Board's sole discretion, and shall not give rise to any
26 cause of action against either the Board or its members.

1 The Board may only authorize the sealing of Class 3 and
2 4 felony convictions of the petitioner from one information
3 or indictment under this paragraph (10). A petitioner may
4 only receive one certificate of eligibility for sealing
5 under this provision for life; and

6 (11) upon a petition by a person who after having been
7 convicted of a Class 3 or Class 4 felony thereafter served
8 in the United States Armed Forces or National Guard of this
9 or any other state and had received an honorable discharge
10 from the United States Armed Forces or National Guard or
11 who at the time of filing the petition is enlisted in the
12 United States Armed Forces or National Guard of this or any
13 other state and served one tour of duty and who meets the
14 requirements of this paragraph, hear by at least 3 members
15 and, with the unanimous vote of a panel of 3 members, issue
16 a certificate of eligibility for expungement recommending
17 that the court order the expungement of all official
18 records of the arresting authority, the circuit court
19 clerk, and the Department of State Police concerning the
20 arrest and conviction for the Class 3 or 4 felony. A person
21 may not apply to the Board for a certificate of eligibility
22 for expungement:

23 (A) if convicted of:

24 (i) a sex offense described in Article 11 or
25 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
26 the Criminal Code of 1961 or Criminal Code of 2012;

1 (ii) an offense under the Criminal Code of 1961
2 or Criminal Code of 2012 involving a firearm; or

3 (iii) a crime of violence as defined in Section
4 2 of the Crime Victims Compensation Act; or

5 (B) if the person has not served in the United
6 States Armed Forces or National Guard of this or any
7 other state or has not received an honorable discharge
8 from the United States Armed Forces or National Guard
9 of this or any other state or who at the time of the
10 filing of the petition is serving in the United States
11 Armed Forces or National Guard of this or any other
12 state and has not completed one tour of duty.

13 If a person has applied to the Board for a certificate
14 of eligibility for expungement and the Board denies the
15 certificate, the person must wait at least 4 years before
16 filing again or filing for a pardon with authorization for
17 expungement from the Governor unless the Governor or
18 Chairman of the Prisoner Review Board grants a waiver.

19 (a-5) The Prisoner Review Board, with the cooperation of
20 and in coordination with the Department of Corrections and the
21 Department of Central Management Services, shall implement a
22 pilot project in 3 correctional institutions providing for the
23 conduct of hearings under paragraphs (1) and (4) of subsection
24 (a) of this Section through interactive video conferences. The
25 project shall be implemented within 6 months after the
26 effective date of this amendatory Act of 1996. Within 6 months

1 after the implementation of the pilot project, the Prisoner
2 Review Board, with the cooperation of and in coordination with
3 the Department of Corrections and the Department of Central
4 Management Services, shall report to the Governor and the
5 General Assembly regarding the use, costs, effectiveness, and
6 future viability of interactive video conferences for Prisoner
7 Review Board hearings.

8 (b) Upon recommendation of the Department the Board may
9 restore sentence credit previously revoked.

10 (c) The Board shall cooperate with the Department in
11 promoting an effective system of parole, aftercare release, and
12 mandatory supervised release.

13 (d) The Board shall promulgate rules for the conduct of its
14 work, and the Chairman shall file a copy of such rules and any
15 amendments thereto with the Director and with the Secretary of
16 State.

17 (e) The Board shall keep records of all of its official
18 actions and shall make them accessible in accordance with law
19 and the rules of the Board.

20 (f) The Board or one who has allegedly violated the
21 conditions of his or her parole, aftercare release, or
22 mandatory supervised release may require by subpoena the
23 attendance and testimony of witnesses and the production of
24 documentary evidence relating to any matter under
25 investigation or hearing. The Chairman of the Board may sign
26 subpoenas which shall be served by any agent or public official

1 authorized by the Chairman of the Board, or by any person
2 lawfully authorized to serve a subpoena under the laws of the
3 State of Illinois. The attendance of witnesses, and the
4 production of documentary evidence, may be required from any
5 place in the State to a hearing location in the State before
6 the Chairman of the Board or his or her designated agent or
7 agents or any duly constituted Committee or Subcommittee of the
8 Board. Witnesses so summoned shall be paid the same fees and
9 mileage that are paid witnesses in the circuit courts of the
10 State, and witnesses whose depositions are taken and the
11 persons taking those depositions are each entitled to the same
12 fees as are paid for like services in actions in the circuit
13 courts of the State. Fees and mileage shall be vouchered for
14 payment when the witness is discharged from further attendance.

15 In case of disobedience to a subpoena, the Board may
16 petition any circuit court of the State for an order requiring
17 the attendance and testimony of witnesses or the production of
18 documentary evidence or both. A copy of such petition shall be
19 served by personal service or by registered or certified mail
20 upon the person who has failed to obey the subpoena, and such
21 person shall be advised in writing that a hearing upon the
22 petition will be requested in a court room to be designated in
23 such notice before the judge hearing motions or extraordinary
24 remedies at a specified time, on a specified date, not less
25 than 10 nor more than 15 days after the deposit of the copy of
26 the written notice and petition in the U.S. mails addressed to

1 the person at his last known address or after the personal
2 service of the copy of the notice and petition upon such
3 person. The court upon the filing of such a petition, may order
4 the person refusing to obey the subpoena to appear at an
5 investigation or hearing, or to there produce documentary
6 evidence, if so ordered, or to give evidence relative to the
7 subject matter of that investigation or hearing. Any failure to
8 obey such order of the circuit court may be punished by that
9 court as a contempt of court.

10 Each member of the Board and any hearing officer designated
11 by the Board shall have the power to administer oaths and to
12 take the testimony of persons under oath.

13 (g) Except under subsection (a) of this Section, a majority
14 of the members then appointed to the Prisoner Review Board
15 shall constitute a quorum for the transaction of all business
16 of the Board.

17 (h) The Prisoner Review Board shall annually transmit to
18 the Director a detailed report of its work for the preceding
19 calendar year. The annual report shall also be transmitted to
20 the Governor for submission to the Legislature.

21 (Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13;
22 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff.
23 1-1-14; revised 8-28-13.)

24 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

25 (Text of Section before amendment by P.A. 98-528)

1 Sec. 3-5-1. Master Record File.

2 (a) The Department of Corrections and the Department of
3 Juvenile Justice shall maintain a master record file on each
4 person committed to it, which shall contain the following
5 information:

6 (1) all information from the committing court;

7 (2) reception summary;

8 (3) evaluation and assignment reports and
9 recommendations;

10 (4) reports as to program assignment and progress;

11 (5) reports of disciplinary infractions and
12 disposition, including tickets and Administrative Review
13 Board action;

14 (6) any parole or aftercare release plan;

15 (7) any parole or aftercare release reports;

16 (8) the date and circumstances of final discharge;

17 (9) criminal history;

18 (10) current and past gang affiliations and ranks;

19 (11) information regarding associations and family
20 relationships;

21 (12) any grievances filed and responses to those
22 grievances; and

23 (13) other information that the respective Department
24 determines is relevant to the secure confinement and
25 rehabilitation of the committed person.

26 (b) All files shall be confidential and access shall be

1 limited to authorized personnel of the respective Department.
2 Personnel of other correctional, welfare or law enforcement
3 agencies may have access to files under rules and regulations
4 of the respective Department. The respective Department shall
5 keep a record of all outside personnel who have access to
6 files, the files reviewed, any file material copied, and the
7 purpose of access. If the respective Department or the Prisoner
8 Review Board makes a determination under this Code which
9 affects the length of the period of confinement or commitment,
10 the committed person and his counsel shall be advised of
11 factual information relied upon by the respective Department or
12 Board to make the determination, provided that the Department
13 or Board shall not be required to advise a person committed to
14 the Department of Juvenile Justice any such information which
15 in the opinion of the Department of Juvenile Justice or Board
16 would be detrimental to his treatment or rehabilitation.

17 (c) The master file shall be maintained at a place
18 convenient to its use by personnel of the respective Department
19 in charge of the person. When custody of a person is
20 transferred from the Department to another department or
21 agency, a summary of the file shall be forwarded to the
22 receiving agency with such other information required by law or
23 requested by the agency under rules and regulations of the
24 respective Department.

25 (d) The master file of a person no longer in the custody of
26 the respective Department shall be placed on inactive status

1 and its use shall be restricted subject to rules and
2 regulations of the Department.

3 (e) All public agencies may make available to the
4 respective Department on request any factual data not otherwise
5 privileged as a matter of law in their possession in respect to
6 individuals committed to the respective Department.

7 (Source: P.A. 97-696, eff. 6-22-12; 98-558, eff. 1-1-14.)

8 (Text of Section after amendment by P.A. 98-528)

9 Sec. 3-5-1. Master Record File.

10 (a) The Department of Corrections and the Department of
11 Juvenile Justice shall maintain a master record file on each
12 person committed to it, which shall contain the following
13 information:

14 (1) all information from the committing court;

15 (1.5) ethnic and racial background data collected in
16 accordance with Section 4.5 of the Criminal Identification
17 Act;

18 (2) reception summary;

19 (3) evaluation and assignment reports and
20 recommendations;

21 (4) reports as to program assignment and progress;

22 (5) reports of disciplinary infractions and
23 disposition, including tickets and Administrative Review
24 Board action;

25 (6) any parole or aftercare release plan;

- 1 (7) any parole or aftercare release reports;
- 2 (8) the date and circumstances of final discharge;
- 3 (9) criminal history;
- 4 (10) current and past gang affiliations and ranks;
- 5 (11) information regarding associations and family
- 6 relationships;
- 7 (12) any grievances filed and responses to those
- 8 grievances; and
- 9 (13) other information that the respective Department
- 10 determines is relevant to the secure confinement and
- 11 rehabilitation of the committed person.

12 (b) All files shall be confidential and access shall be
13 limited to authorized personnel of the respective Department.
14 Personnel of other correctional, welfare or law enforcement
15 agencies may have access to files under rules and regulations
16 of the respective Department. The respective Department shall
17 keep a record of all outside personnel who have access to
18 files, the files reviewed, any file material copied, and the
19 purpose of access. If the respective Department or the Prisoner
20 Review Board makes a determination under this Code which
21 affects the length of the period of confinement or commitment,
22 the committed person and his counsel shall be advised of
23 factual information relied upon by the respective Department or
24 Board to make the determination, provided that the Department
25 or Board shall not be required to advise a person committed to
26 the Department of Juvenile Justice any such information which

1 in the opinion of the Department of Juvenile Justice or Board
2 would be detrimental to his treatment or rehabilitation.

3 (c) The master file shall be maintained at a place
4 convenient to its use by personnel of the respective Department
5 in charge of the person. When custody of a person is
6 transferred from the Department to another department or
7 agency, a summary of the file shall be forwarded to the
8 receiving agency with such other information required by law or
9 requested by the agency under rules and regulations of the
10 respective Department.

11 (d) The master file of a person no longer in the custody of
12 the respective Department shall be placed on inactive status
13 and its use shall be restricted subject to rules and
14 regulations of the Department.

15 (e) All public agencies may make available to the
16 respective Department on request any factual data not otherwise
17 privileged as a matter of law in their possession in respect to
18 individuals committed to the respective Department.

19 (Source: P.A. 97-696, eff. 6-22-12; 98-528, eff. 1-1-15;
20 98-558, eff. 1-1-14; revised 9-24-13.)

21 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

22 Sec. 5-5-3. Disposition.

23 (a) (Blank).

24 (b) (Blank).

25 (c) (1) (Blank).

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

8 (A) First degree murder where the death penalty is
9 not imposed.

10 (B) Attempted first degree murder.

11 (C) A Class X felony.

12 (D) A violation of Section 401.1 or 407 of the
13 Illinois Controlled Substances Act, or a violation of
14 subdivision (c)(1.5) or (c)(2) of Section 401 of that
15 Act which relates to more than 5 grams of a substance
16 containing cocaine, fentanyl, or an analog thereof.

17 (D-5) A violation of subdivision (c)(1) of Section
18 401 of the Illinois Controlled Substances Act which
19 relates to 3 or more grams of a substance containing
20 heroin or an analog thereof.

21 (E) A violation of Section 5.1 or 9 of the Cannabis
22 Control Act.

23 (F) A Class 2 or greater felony if the offender had
24 been convicted of a Class 2 or greater felony,
25 including any state or federal conviction for an
26 offense that contained, at the time it was committed,

1 the same elements as an offense now (the date of the
2 offense committed after the prior Class 2 or greater
3 felony) classified as a Class 2 or greater felony,
4 within 10 years of the date on which the offender
5 committed the offense for which he or she is being
6 sentenced, except as otherwise provided in Section
7 40-10 of the Alcoholism and Other Drug Abuse and
8 Dependency Act.

9 (F-5) A violation of Section 24-1, 24-1.1, or
10 24-1.6 of the Criminal Code of 1961 or the Criminal
11 Code of 2012 for which imprisonment is prescribed in
12 those Sections.

13 (G) Residential burglary, except as otherwise
14 provided in Section 40-10 of the Alcoholism and Other
15 Drug Abuse and Dependency Act.

16 (H) Criminal sexual assault.

17 (I) Aggravated battery of a senior citizen as
18 described in Section 12-4.6 or subdivision (a)(4) of
19 Section 12-3.05 of the Criminal Code of 1961 or the
20 Criminal Code of 2012.

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

23 Before July 1, 1994, for the purposes of this
24 paragraph, "organized gang" means an association of 5
25 or more persons, with an established hierarchy, that
26 encourages members of the association to perpetrate

1 crimes or provides support to the members of the
2 association who do commit crimes.

3 Beginning July 1, 1994, for the purposes of this
4 paragraph, "organized gang" has the meaning ascribed
5 to it in Section 10 of the Illinois Streetgang
6 Terrorism Omnibus Prevention Act.

7 (K) Vehicular hijacking.

8 (L) A second or subsequent conviction for the
9 offense of hate crime when the underlying offense upon
10 which the hate crime is based is felony aggravated
11 assault or felony mob action.

12 (M) A second or subsequent conviction for the
13 offense of institutional vandalism if the damage to the
14 property exceeds \$300.

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

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

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

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

26 (R) A violation of Section 24-3A of the Criminal

1 Code of 1961 or the Criminal Code of 2012.

2 (S) (Blank).

3 (T) A second or subsequent violation of the
4 Methamphetamine Control and Community Protection Act.

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

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

1 substantially equivalent to those offenses.

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

4 (X) A violation of subsection (a) of Section 31-1a
5 of the Criminal Code of 1961 or the Criminal Code of
6 2012.

7 (Y) A conviction for unlawful possession of a
8 firearm by a street gang member when the firearm was
9 loaded or contained firearm ammunition.

10 (Z) A Class 1 felony committed while he or she was
11 serving a term of probation or conditional discharge
12 for a felony.

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

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

17 (CC) Knowingly selling, offering for sale, holding
18 for sale, or using 2,000 or more counterfeit items or
19 counterfeit items having a retail value in the
20 aggregate of \$500,000 or more.

21 (DD) A conviction for aggravated assault under
22 paragraph (6) of subsection (c) of Section 12-2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 if
24 the firearm is aimed toward the person against whom the
25 firearm is being used.

26 (3) (Blank).

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

5 (4.1) (Blank).

6 (4.2) Except as provided in paragraphs (4.3) and (4.8)
7 of this subsection (c), a minimum of 100 hours of community
8 service shall be imposed for a second violation of Section
9 6-303 of the Illinois Vehicle Code.

10 (4.3) A minimum term of imprisonment of 30 days or 300
11 hours of community service, as determined by the court,
12 shall be imposed for a second violation of subsection (c)
13 of Section 6-303 of the Illinois Vehicle Code.

14 (4.4) Except as provided in paragraphs (4.5), (4.6),
15 and (4.9) of this subsection (c), a minimum term of
16 imprisonment of 30 days or 300 hours of community service,
17 as determined by the court, shall be imposed for a third or
18 subsequent violation of Section 6-303 of the Illinois
19 Vehicle Code.

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

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

1 Code.

2 (4.7) A minimum term of imprisonment of not less than
3 30 consecutive days, or 300 hours of community service,
4 shall be imposed for a violation of subsection (a-5) of
5 Section 6-303 of the Illinois Vehicle Code, as provided in
6 subsection (b-5) of that Section.

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

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

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

26 (5) The court may sentence a corporation or

1 unincorporated association convicted of any offense to:

2 (A) a period of conditional discharge;

3 (B) a fine;

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

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

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

20 (5.3) In addition to any other penalties imposed, a
21 person convicted of violating subsection (c) of Section
22 11-907 of the Illinois Vehicle Code shall have his or her
23 driver's license, permit, or privileges suspended for 2
24 years, if the violation resulted in the death of another
25 person.

26 (5.4) In addition to any other penalties imposed, a

1 person convicted of violating Section 3-707 of the Illinois
2 Vehicle Code shall have his or her driver's license,
3 permit, or privileges suspended for 3 months and until he
4 or she has paid a reinstatement fee of \$100.

5 (5.5) In addition to any other penalties imposed, a
6 person convicted of violating Section 3-707 of the Illinois
7 Vehicle Code during a period in which his or her driver's
8 license, permit, or privileges were suspended for a
9 previous violation of that Section shall have his or her
10 driver's license, permit, or privileges suspended for an
11 additional 6 months after the expiration of the original
12 3-month suspension and until he or she has paid a
13 reinstatement fee of \$100.

14 (6) (Blank).

15 (7) (Blank).

16 (8) (Blank).

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

20 (10) (Blank).

21 (11) The court shall impose a minimum fine of \$1,000
22 for a first offense and \$2,000 for a second or subsequent
23 offense upon a person convicted of or placed on supervision
24 for battery when the individual harmed was a sports
25 official or coach at any level of competition and the act
26 causing harm to the sports official or coach occurred

1 within an athletic facility or within the immediate
2 vicinity of the athletic facility at which the sports
3 official or coach was an active participant of the athletic
4 contest held at the athletic facility. For the purposes of
5 this paragraph (11), "sports official" means a person at an
6 athletic contest who enforces the rules of the contest,
7 such as an umpire or referee; "athletic facility" means an
8 indoor or outdoor playing field or recreational area where
9 sports activities are conducted; and "coach" means a person
10 recognized as a coach by the sanctioning authority that
11 conducted the sporting event.

12 (12) A person may not receive a disposition of court
13 supervision for a violation of Section 5-16 of the Boat
14 Registration and Safety Act if that person has previously
15 received a disposition of court supervision for a violation
16 of that Section.

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

1 (d) In any case in which a sentence originally imposed is
2 vacated, the case shall be remanded to the trial court. The
3 trial court shall hold a hearing under Section 5-4-1 of the
4 Unified Code of Corrections which may include evidence of the
5 defendant's life, moral character and occupation during the
6 time since the original sentence was passed. The trial court
7 shall then impose sentence upon the defendant. The trial court
8 may impose any sentence which could have been imposed at the
9 original trial subject to Section 5-5-4 of the Unified Code of
10 Corrections. If a sentence is vacated on appeal or on
11 collateral attack due to the failure of the trier of fact at
12 trial to determine beyond a reasonable doubt the existence of a
13 fact (other than a prior conviction) necessary to increase the
14 punishment for the offense beyond the statutory maximum
15 otherwise applicable, either the defendant may be re-sentenced
16 to a term within the range otherwise provided or, if the State
17 files notice of its intention to again seek the extended
18 sentence, the defendant shall be afforded a new trial.

19 (e) In cases where prosecution for aggravated criminal
20 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
21 Code of 1961 or the Criminal Code of 2012 results in conviction
22 of a defendant who was a family member of the victim at the
23 time of the commission of the offense, the court shall consider
24 the safety and welfare of the victim and may impose a sentence
25 of probation only where:

26 (1) the court finds (A) or (B) or both are appropriate:

1 (A) the defendant is willing to undergo a court
2 approved counseling program for a minimum duration of 2
3 years; or

4 (B) the defendant is willing to participate in a
5 court approved plan including but not limited to the
6 defendant's:

7 (i) removal from the household;

8 (ii) restricted contact with the victim;

9 (iii) continued financial support of the
10 family;

11 (iv) restitution for harm done to the victim;

12 and

13 (v) compliance with any other measures that
14 the court may deem appropriate; and

15 (2) the court orders the defendant to pay for the
16 victim's counseling services, to the extent that the court
17 finds, after considering the defendant's income and
18 assets, that the defendant is financially capable of paying
19 for such services, if the victim was under 18 years of age
20 at the time the offense was committed and requires
21 counseling as a result of the offense.

22 Probation may be revoked or modified pursuant to Section
23 5-6-4; except where the court determines at the hearing that
24 the defendant violated a condition of his or her probation
25 restricting contact with the victim or other family members or
26 commits another offense with the victim or other family

1 members, the court shall revoke the defendant's probation and
2 impose a term of imprisonment.

3 For the purposes of this Section, "family member" and
4 "victim" shall have the meanings ascribed to them in Section
5 11-0.1 of the Criminal Code of 2012.

6 (f) (Blank).

7 (g) Whenever a defendant is convicted of an offense under
8 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
9 11-14.3, 11-14.4 except for an offense that involves keeping a
10 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
11 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
12 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, the defendant shall undergo medical
14 testing to determine whether the defendant has any sexually
15 transmissible disease, including a test for infection with
16 human immunodeficiency virus (HIV) or any other identified
17 causative agent of acquired immunodeficiency syndrome (AIDS).
18 Any such medical test shall be performed only by appropriately
19 licensed medical practitioners and may include an analysis of
20 any bodily fluids as well as an examination of the defendant's
21 person. Except as otherwise provided by law, the results of
22 such test shall be kept strictly confidential by all medical
23 personnel involved in the testing and must be personally
24 delivered in a sealed envelope to the judge of the court in
25 which the conviction was entered for the judge's inspection in
26 camera. Acting in accordance with the best interests of the

1 victim and the public, the judge shall have the discretion to
2 determine to whom, if anyone, the results of the testing may be
3 revealed. The court shall notify the defendant of the test
4 results. The court shall also notify the victim if requested by
5 the victim, and if the victim is under the age of 15 and if
6 requested by the victim's parents or legal guardian, the court
7 shall notify the victim's parents or legal guardian of the test
8 results. The court shall provide information on the
9 availability of HIV testing and counseling at Department of
10 Public Health facilities to all parties to whom the results of
11 the testing are revealed and shall direct the State's Attorney
12 to provide the information to the victim when possible. A
13 State's Attorney may petition the court to obtain the results
14 of any HIV test administered under this Section, and the court
15 shall grant the disclosure if the State's Attorney shows it is
16 relevant in order to prosecute a charge of criminal
17 transmission of HIV under Section 12-5.01 or 12-16.2 of the
18 Criminal Code of 1961 or the Criminal Code of 2012 against the
19 defendant. The court shall order that the cost of any such test
20 shall be paid by the county and may be taxed as costs against
21 the convicted defendant.

22 (g-5) When an inmate is tested for an airborne communicable
23 disease, as determined by the Illinois Department of Public
24 Health including but not limited to tuberculosis, the results
25 of the test shall be personally delivered by the warden or his
26 or her designee in a sealed envelope to the judge of the court

1 in which the inmate must appear for the judge's inspection in
2 camera if requested by the judge. Acting in accordance with the
3 best interests of those in the courtroom, the judge shall have
4 the discretion to determine what if any precautions need to be
5 taken to prevent transmission of the disease in the courtroom.

6 (h) Whenever a defendant is convicted of an offense under
7 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
8 defendant shall undergo medical testing to determine whether
9 the defendant has been exposed to human immunodeficiency virus
10 (HIV) or any other identified causative agent of acquired
11 immunodeficiency syndrome (AIDS). Except as otherwise provided
12 by law, the results of such test shall be kept strictly
13 confidential by all medical personnel involved in the testing
14 and must be personally delivered in a sealed envelope to the
15 judge of the court in which the conviction was entered for the
16 judge's inspection in camera. Acting in accordance with the
17 best interests of the public, the judge shall have the
18 discretion to determine to whom, if anyone, the results of the
19 testing may be revealed. The court shall notify the defendant
20 of a positive test showing an infection with the human
21 immunodeficiency virus (HIV). The court shall provide
22 information on the availability of HIV testing and counseling
23 at Department of Public Health facilities to all parties to
24 whom the results of the testing are revealed and shall direct
25 the State's Attorney to provide the information to the victim
26 when possible. A State's Attorney may petition the court to

1 obtain the results of any HIV test administered under this
2 Section, and the court shall grant the disclosure if the
3 State's Attorney shows it is relevant in order to prosecute a
4 charge of criminal transmission of HIV under Section 12-5.01 or
5 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
6 2012 against the defendant. The court shall order that the cost
7 of any such test shall be paid by the county and may be taxed as
8 costs against the convicted defendant.

9 (i) All fines and penalties imposed under this Section for
10 any violation of Chapters 3, 4, 6, and 11 of the Illinois
11 Vehicle Code, or a similar provision of a local ordinance, and
12 any violation of the Child Passenger Protection Act, or a
13 similar provision of a local ordinance, shall be collected and
14 disbursed by the circuit clerk as provided under Section 27.5
15 of the Clerks of Courts Act.

16 (j) In cases when prosecution for any violation of Section
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
18 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
19 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
20 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
21 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
22 Code of 2012, any violation of the Illinois Controlled
23 Substances Act, any violation of the Cannabis Control Act, or
24 any violation of the Methamphetamine Control and Community
25 Protection Act results in conviction, a disposition of court
26 supervision, or an order of probation granted under Section 10

1 of the Cannabis Control Act, Section 410 of the Illinois
2 Controlled Substances ~~Substance~~ Act, or Section 70 of the
3 Methamphetamine Control and Community Protection Act of a
4 defendant, the court shall determine whether the defendant is
5 employed by a facility or center as defined under the Child
6 Care Act of 1969, a public or private elementary or secondary
7 school, or otherwise works with children under 18 years of age
8 on a daily basis. When a defendant is so employed, the court
9 shall order the Clerk of the Court to send a copy of the
10 judgment of conviction or order of supervision or probation to
11 the defendant's employer by certified mail. If the employer of
12 the defendant is a school, the Clerk of the Court shall direct
13 the mailing of a copy of the judgment of conviction or order of
14 supervision or probation to the appropriate regional
15 superintendent of schools. The regional superintendent of
16 schools shall notify the State Board of Education of any
17 notification under this subsection.

18 (j-5) A defendant at least 17 years of age who is convicted
19 of a felony and who has not been previously convicted of a
20 misdemeanor or felony and who is sentenced to a term of
21 imprisonment in the Illinois Department of Corrections shall as
22 a condition of his or her sentence be required by the court to
23 attend educational courses designed to prepare the defendant
24 for a high school diploma and to work toward a high school
25 diploma or to work toward passing the high school level Test of
26 General Educational Development (GED) or to work toward

1 completing a vocational training program offered by the
2 Department of Corrections. If a defendant fails to complete the
3 educational training required by his or her sentence during the
4 term of incarceration, the Prisoner Review Board shall, as a
5 condition of mandatory supervised release, require the
6 defendant, at his or her own expense, to pursue a course of
7 study toward a high school diploma or passage of the GED test.
8 The Prisoner Review Board shall revoke the mandatory supervised
9 release of a defendant who wilfully fails to comply with this
10 subsection (j-5) upon his or her release from confinement in a
11 penal institution while serving a mandatory supervised release
12 term; however, the inability of the defendant after making a
13 good faith effort to obtain financial aid or pay for the
14 educational training shall not be deemed a wilful failure to
15 comply. The Prisoner Review Board shall recommit the defendant
16 whose mandatory supervised release term has been revoked under
17 this subsection (j-5) as provided in Section 3-3-9. This
18 subsection (j-5) does not apply to a defendant who has a high
19 school diploma or has successfully passed the GED test. This
20 subsection (j-5) does not apply to a defendant who is
21 determined by the court to be developmentally disabled or
22 otherwise mentally incapable of completing the educational or
23 vocational program.

24 (k) (Blank).

25 (l) (A) Except as provided in paragraph (C) of subsection
26 (l), whenever a defendant, who is an alien as defined by

1 the Immigration and Nationality Act, is convicted of any
2 felony or misdemeanor offense, the court after sentencing
3 the defendant may, upon motion of the State's Attorney,
4 hold sentence in abeyance and remand the defendant to the
5 custody of the Attorney General of the United States or his
6 or her designated agent to be deported when:

7 (1) a final order of deportation has been issued
8 against the defendant pursuant to proceedings under
9 the Immigration and Nationality Act, and

10 (2) the deportation of the defendant would not
11 deprecate the seriousness of the defendant's conduct
12 and would not be inconsistent with the ends of justice.

13 Otherwise, the defendant shall be sentenced as
14 provided in this Chapter V.

15 (B) If the defendant has already been sentenced for a
16 felony or misdemeanor offense, or has been 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, the court may, upon motion of the State's
21 Attorney to suspend the sentence imposed, commit the
22 defendant to the custody of the Attorney General of the
23 United States or his or her designated agent when:

24 (1) a final order of deportation has been issued
25 against the defendant pursuant to proceedings under
26 the Immigration and Nationality Act, and

1 (2) the deportation of the defendant would not
2 deprecate the seriousness of the defendant's conduct
3 and would not be inconsistent with the ends of justice.

4 (C) This subsection (1) does not apply to offenders who
5 are subject to the provisions of paragraph (2) of
6 subsection (a) of Section 3-6-3.

7 (D) Upon motion of the State's Attorney, if a defendant
8 sentenced under this Section returns to the jurisdiction of
9 the United States, the defendant shall be recommitted to
10 the custody of the county from which he or she was
11 sentenced. Thereafter, the defendant shall be brought
12 before the sentencing court, which may impose any sentence
13 that was available under Section 5-5-3 at the time of
14 initial sentencing. In addition, the defendant shall not be
15 eligible for additional sentence credit for good conduct as
16 provided under Section 3-6-3.

17 (m) A person convicted of criminal defacement of property
18 under Section 21-1.3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, in which the property damage exceeds
20 \$300 and the property damaged is a school building, shall be
21 ordered to perform community service that may include cleanup,
22 removal, or painting over the defacement.

23 (n) The court may sentence a person convicted of a
24 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
25 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
26 of 1961 or the Criminal Code of 2012 (i) to an impact

1 incarceration program if the person is otherwise eligible for
2 that program under Section 5-8-1.1, (ii) to community service,
3 or (iii) if the person is an addict or alcoholic, as defined in
4 the Alcoholism and Other Drug Abuse and Dependency Act, to a
5 substance or alcohol abuse program licensed under that Act.

6 (o) Whenever a person is convicted of a sex offense as
7 defined in Section 2 of the Sex Offender Registration Act, the
8 defendant's driver's license or permit shall be subject to
9 renewal on an annual basis in accordance with the provisions of
10 license renewal established by the Secretary of State.

11 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
12 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
13 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
14 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
15 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
16 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
17 eff. 1-25-13; revised 11-12-13.)

18 (730 ILCS 5/5-5-3.2)

19 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
20 Sentencing.

21 (a) The following factors shall be accorded weight in favor
22 of imposing a term of imprisonment or may be considered by the
23 court as reasons to impose a more severe sentence under Section
24 5-8-1 or Article 4.5 of Chapter V:

25 (1) the defendant's conduct caused or threatened

1 serious harm;

2 (2) the defendant received compensation for committing
3 the offense;

4 (3) the defendant has a history of prior delinquency or
5 criminal activity;

6 (4) the defendant, by the duties of his office or by
7 his position, was obliged to prevent the particular offense
8 committed or to bring the offenders committing it to
9 justice;

10 (5) the defendant held public office at the time of the
11 offense, and the offense related to the conduct of that
12 office;

13 (6) the defendant utilized his professional reputation
14 or position in the community to commit the offense, or to
15 afford him an easier means of committing it;

16 (7) the sentence is necessary to deter others from
17 committing the same crime;

18 (8) the defendant committed the offense against a
19 person 60 years of age or older or such person's property;

20 (9) the defendant committed the offense against a
21 person who is physically handicapped or such person's
22 property;

23 (10) by reason of another individual's actual or
24 perceived race, color, creed, religion, ancestry, gender,
25 sexual orientation, physical or mental disability, or
26 national origin, the defendant committed the offense

1 against (i) the person or property of that individual; (ii)
2 the person or property of a person who has an association
3 with, is married to, or has a friendship with the other
4 individual; or (iii) the person or property of a relative
5 (by blood or marriage) of a person described in clause (i)
6 or (ii). For the purposes of this Section, "sexual
7 orientation" means heterosexuality, homosexuality, or
8 bisexuality;

9 (11) the offense took place in a place of worship or on
10 the grounds of a place of worship, immediately prior to,
11 during or immediately following worship services. For
12 purposes of this subparagraph, "place of worship" shall
13 mean any church, synagogue or other building, structure or
14 place used primarily for religious worship;

15 (12) the defendant was convicted of a felony committed
16 while he was released on bail or his own recognizance
17 pending trial for a prior felony and was convicted of such
18 prior felony, or the defendant was convicted of a felony
19 committed while he was serving a period of probation,
20 conditional discharge, or mandatory supervised release
21 under subsection (d) of Section 5-8-1 for a prior felony;

22 (13) the defendant committed or attempted to commit a
23 felony while he was wearing a bulletproof vest. For the
24 purposes of this paragraph (13), a bulletproof vest is any
25 device which is designed for the purpose of protecting the
26 wearer from bullets, shot or other lethal projectiles;

1 (14) the defendant held a position of trust or
2 supervision such as, but not limited to, family member as
3 defined in Section 11-0.1 of the Criminal Code of 2012,
4 teacher, scout leader, baby sitter, or day care worker, in
5 relation to a victim under 18 years of age, and the
6 defendant committed an offense in violation of Section
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
8 11-14.4 except for an offense that involves keeping a place
9 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
10 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
11 or 12-16 of the Criminal Code of 1961 or the Criminal Code
12 of 2012 against that victim;

13 (15) the defendant committed an offense related to the
14 activities of an organized gang. For the purposes of this
15 factor, "organized gang" has the meaning ascribed to it in
16 Section 10 of the Streetgang Terrorism Omnibus Prevention
17 Act;

18 (16) the defendant committed an offense in violation of
19 one of the following Sections while in a school, regardless
20 of the time of day or time of year; on any conveyance
21 owned, leased, or contracted by a school to transport
22 students to or from school or a school related activity; on
23 the real property of a school; or on a public way within
24 1,000 feet of the real property comprising any school:
25 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
26 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,

1 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
2 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
3 18-2, or 33A-2, or Section 12-3.05 except for subdivision
4 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
5 Criminal Code of 2012;

6 (16.5) the defendant committed an offense in violation
7 of one of the following Sections while in a day care
8 center, regardless of the time of day or time of year; on
9 the real property of a day care center, regardless of the
10 time of day or time of year; or on a public way within
11 1,000 feet of the real property comprising any day care
12 center, regardless of the time of day or time of year:
13 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
14 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
15 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
16 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
17 18-2, or 33A-2, or Section 12-3.05 except for subdivision
18 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
19 Criminal Code of 2012;

20 (17) the defendant committed the offense by reason of
21 any person's activity as a community policing volunteer or
22 to prevent any person from engaging in activity as a
23 community policing volunteer. For the purpose of this
24 Section, "community policing volunteer" has the meaning
25 ascribed to it in Section 2-3.5 of the Criminal Code of
26 2012;

1 (18) the defendant committed the offense in a nursing
2 home or on the real property comprising a nursing home. For
3 the purposes of this paragraph (18), "nursing home" means a
4 skilled nursing or intermediate long term care facility
5 that is subject to license by the Illinois Department of
6 Public Health under the Nursing Home Care Act, the
7 Specialized Mental Health Rehabilitation Act of 2013, or
8 the ID/DD Community Care Act;

9 (19) the defendant was a federally licensed firearm
10 dealer and was previously convicted of a violation of
11 subsection (a) of Section 3 of the Firearm Owners
12 Identification Card Act and has now committed either a
13 felony violation of the Firearm Owners Identification Card
14 Act or an act of armed violence while armed with a firearm;

15 (20) the defendant (i) committed the offense of
16 reckless homicide under Section 9-3 of the Criminal Code of
17 1961 or the Criminal Code of 2012 or the offense of driving
18 under the influence of alcohol, other drug or drugs,
19 intoxicating compound or compounds or any combination
20 thereof under Section 11-501 of the Illinois Vehicle Code
21 or a similar provision of a local ordinance and (ii) was
22 operating a motor vehicle in excess of 20 miles per hour
23 over the posted speed limit as provided in Article VI of
24 Chapter 11 of the Illinois Vehicle Code;

25 (21) the defendant (i) committed the offense of
26 reckless driving or aggravated reckless driving under

1 Section 11-503 of the Illinois Vehicle Code and (ii) was
2 operating a motor vehicle in excess of 20 miles per hour
3 over the posted speed limit as provided in Article VI of
4 Chapter 11 of the Illinois Vehicle Code;

5 (22) the defendant committed the offense against a
6 person that the defendant knew, or reasonably should have
7 known, was a member of the Armed Forces of the United
8 States serving on active duty. For purposes of this clause
9 (22), the term "Armed Forces" means any of the Armed Forces
10 of the United States, including a member of any reserve
11 component thereof or National Guard unit called to active
12 duty;

13 (23) the defendant committed the offense against a
14 person who was elderly, disabled, or infirm by taking
15 advantage of a family or fiduciary relationship with the
16 elderly, disabled, or infirm person;

17 (24) the defendant committed any offense under Section
18 11-20.1 of the Criminal Code of 1961 or the Criminal Code
19 of 2012 and possessed 100 or more images;

20 (25) the defendant committed the offense while the
21 defendant or the victim was in a train, bus, or other
22 vehicle used for public transportation;

23 (26) the defendant committed the offense of child
24 pornography or aggravated child pornography, specifically
25 including paragraph (1), (2), (3), (4), (5), or (7) of
26 subsection (a) of Section 11-20.1 of the Criminal Code of

1 1961 or the Criminal Code of 2012 where a child engaged in,
2 solicited for, depicted in, or posed in any act of sexual
3 penetration or bound, fettered, or subject to sadistic,
4 masochistic, or sadomasochistic abuse in a sexual context
5 and specifically including paragraph (1), (2), (3), (4),
6 (5), or (7) of subsection (a) of Section 11-20.1B or
7 Section 11-20.3 of the Criminal Code of 1961 where a child
8 engaged in, solicited for, depicted in, or posed in any act
9 of sexual penetration or bound, fettered, or subject to
10 sadistic, masochistic, or sadomasochistic abuse in a
11 sexual context;

12 (27) the defendant committed the offense of first
13 degree murder, assault, aggravated assault, battery,
14 aggravated battery, robbery, armed robbery, or aggravated
15 robbery against a person who was a veteran and the
16 defendant knew, or reasonably should have known, that the
17 person was a veteran performing duties as a representative
18 of a veterans' organization. For the purposes of this
19 paragraph (27), "veteran" means an Illinois resident who
20 has served as a member of the United States Armed Forces, a
21 member of the Illinois National Guard, or a member of the
22 United States Reserve Forces; and "veterans' organization"
23 means an organization comprised of members of which
24 substantially all are individuals who are veterans or
25 spouses, widows, or widowers of veterans, the primary
26 purpose of which is to promote the welfare of its members

1 and to provide assistance to the general public in such a
2 way as to confer a public benefit; or

3 (28) the defendant committed the offense of assault,
4 aggravated assault, battery, aggravated battery, robbery,
5 armed robbery, or aggravated robbery against a person that
6 the defendant knew or reasonably should have known was a
7 letter carrier or postal worker while that person was
8 performing his or her duties delivering mail for the United
9 States Postal Service.

10 For the purposes of this Section:

11 "School" is defined as a public or private elementary or
12 secondary school, community college, college, or university.

13 "Day care center" means a public or private State certified
14 and licensed day care center as defined in Section 2.09 of the
15 Child Care Act of 1969 that displays a sign in plain view
16 stating that the property is a day care center.

17 "Public transportation" means the transportation or
18 conveyance of persons by means available to the general public,
19 and includes paratransit services.

20 (b) The following factors, related to all felonies, may be
21 considered by the court as reasons to impose an extended term
22 sentence under Section 5-8-2 upon any offender:

23 (1) When a defendant is convicted of any felony, after
24 having been previously convicted in Illinois or any other
25 jurisdiction of the same or similar class felony or greater
26 class felony, when such conviction has occurred within 10

1 years after the previous conviction, excluding time spent
2 in custody, and such charges are separately brought and
3 tried and arise out of different series of acts; or

4 (2) When a defendant is convicted of any felony and the
5 court finds that the offense was accompanied by
6 exceptionally brutal or heinous behavior indicative of
7 wanton cruelty; or

8 (3) When a defendant is convicted of any felony
9 committed against:

10 (i) a person under 12 years of age at the time of
11 the offense or such person's property;

12 (ii) a person 60 years of age or older at the time
13 of the offense or such person's property; or

14 (iii) a person physically handicapped at the time
15 of the offense or such person's property; or

16 (4) When a defendant is convicted of any felony and the
17 offense involved any of the following types of specific
18 misconduct committed as part of a ceremony, rite,
19 initiation, observance, performance, practice or activity
20 of any actual or ostensible religious, fraternal, or social
21 group:

22 (i) the brutalizing or torturing of humans or
23 animals;

24 (ii) the theft of human corpses;

25 (iii) the kidnapping of humans;

26 (iv) the desecration of any cemetery, religious,

1 fraternal, business, governmental, educational, or
2 other building or property; or

3 (v) ritualized abuse of a child; or

4 (5) When a defendant is convicted of a felony other
5 than conspiracy and the court finds that the felony was
6 committed under an agreement with 2 or more other persons
7 to commit that offense and the defendant, with respect to
8 the other individuals, occupied a position of organizer,
9 supervisor, financier, or any other position of management
10 or leadership, and the court further finds that the felony
11 committed was related to or in furtherance of the criminal
12 activities of an organized gang or was motivated by the
13 defendant's leadership in an organized gang; or

14 (6) When a defendant is convicted of an offense
15 committed while using a firearm with a laser sight attached
16 to it. For purposes of this paragraph, "laser sight" has
17 the meaning ascribed to it in Section 26-7 of the Criminal
18 Code of 2012; or

19 (7) When a defendant who was at least 17 years of age
20 at the time of the commission of the offense is convicted
21 of a felony and has been previously adjudicated a
22 delinquent minor under the Juvenile Court Act of 1987 for
23 an act that if committed by an adult would be a Class X or
24 Class 1 felony when the conviction has occurred within 10
25 years after the previous adjudication, excluding time
26 spent in custody; or

1 (8) When a defendant commits any felony and the
2 defendant used, possessed, exercised control over, or
3 otherwise directed an animal to assault a law enforcement
4 officer engaged in the execution of his or her official
5 duties or in furtherance of the criminal activities of an
6 organized gang in which the defendant is engaged; or

7 (9) When a defendant commits any felony and the
8 defendant knowingly video or audio records the offense with
9 the intent to disseminate the recording.

10 (c) The following factors may be considered by the court as
11 reasons to impose an extended term sentence under Section 5-8-2
12 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

13 (1) When a defendant is convicted of first degree
14 murder, after having been previously convicted in Illinois
15 of any offense listed under paragraph (c)(2) of Section
16 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
17 within 10 years after the previous conviction, excluding
18 time spent in custody, and the charges are separately
19 brought and tried and arise out of different series of
20 acts.

21 (1.5) When a defendant is convicted of first degree
22 murder, after having been previously convicted of domestic
23 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
24 (720 ILCS 5/12-3.3) committed on the same victim or after
25 having been previously convicted of violation of an order
26 of protection (720 ILCS 5/12-30) in which the same victim

1 was the protected person.

2 (2) When a defendant is convicted of voluntary
3 manslaughter, second degree murder, involuntary
4 manslaughter, or reckless homicide in which the defendant
5 has been convicted of causing the death of more than one
6 individual.

7 (3) When a defendant is convicted of aggravated
8 criminal sexual assault or criminal sexual assault, when
9 there is a finding that aggravated criminal sexual assault
10 or criminal sexual assault was also committed on the same
11 victim by one or more other individuals, and the defendant
12 voluntarily participated in the crime with the knowledge of
13 the participation of the others in the crime, and the
14 commission of the crime was part of a single course of
15 conduct during which there was no substantial change in the
16 nature of the criminal objective.

17 (4) If the victim was under 18 years of age at the time
18 of the commission of the offense, when a defendant is
19 convicted of aggravated criminal sexual assault or
20 predatory criminal sexual assault of a child under
21 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
22 of Section 12-14.1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

24 (5) When a defendant is convicted of a felony violation
25 of Section 24-1 of the Criminal Code of 1961 or the
26 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a

1 finding that the defendant is a member of an organized
2 gang.

3 (6) When a defendant was convicted of unlawful use of
4 weapons under Section 24-1 of the Criminal Code of 1961 or
5 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
6 a weapon that is not readily distinguishable as one of the
7 weapons enumerated in Section 24-1 of the Criminal Code of
8 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

9 (7) When a defendant is convicted of an offense
10 involving the illegal manufacture of a controlled
11 substance under Section 401 of the Illinois Controlled
12 Substances Act (720 ILCS 570/401), the illegal manufacture
13 of methamphetamine under Section 25 of the Methamphetamine
14 Control and Community Protection Act (720 ILCS 646/25), or
15 the illegal possession of explosives and an emergency
16 response officer in the performance of his or her duties is
17 killed or injured at the scene of the offense while
18 responding to the emergency caused by the commission of the
19 offense. In this paragraph, "emergency" means a situation
20 in which a person's life, health, or safety is in jeopardy;
21 and "emergency response officer" means a peace officer,
22 community policing volunteer, fireman, emergency medical
23 technician-ambulance, emergency medical
24 technician-intermediate, emergency medical
25 technician-paramedic, ambulance driver, other medical
26 assistance or first aid personnel, or hospital emergency

1 room personnel.

2 (8) When the defendant is convicted of attempted mob
3 action, solicitation to commit mob action, or conspiracy to
4 commit mob action under Section 8-1, 8-2, or 8-4 of the
5 Criminal Code of 2012, where the criminal object is a
6 violation of Section 25-1 of the Criminal Code of 2012, and
7 an electronic communication is used in the commission of
8 the offense. For the purposes of this paragraph (8),
9 "electronic communication" shall have the meaning provided
10 in Section 26.5-0.1 of the Criminal Code of 2012.

11 (d) For the purposes of this Section, "organized gang" has
12 the meaning ascribed to it in Section 10 of the Illinois
13 Streetgang Terrorism Omnibus Prevention Act.

14 (e) The court may impose an extended term sentence under
15 Article 4.5 of Chapter V upon an offender who has been
16 convicted of a felony violation of Section 11-1.20, 11-1.30,
17 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
18 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
19 when the victim of the offense is under 18 years of age at the
20 time of the commission of the offense and, during the
21 commission of the offense, the victim was under the influence
22 of alcohol, regardless of whether or not the alcohol was
23 supplied by the offender; and the offender, at the time of the
24 commission of the offense, knew or should have known that the
25 victim had consumed alcohol.

26 (Source: P.A. 97-38, eff. 6-28-11, 97-227, eff. 1-1-12; 97-333,

1 eff. 8-12-11; 97-693, eff. 1-1-13; 97-1108, eff. 1-1-13;
2 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-14, eff.
3 1-1-14; 98-104, eff. 7-22-13; 98-385, eff. 1-1-14; revised
4 9-24-13.)

5 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

6 Sec. 5-5-5. Loss and Restoration of Rights.

7 (a) Conviction and disposition shall not entail the loss by
8 the defendant of any civil rights, except under this Section
9 and Sections 29-6 and 29-10 of The Election Code, as now or
10 hereafter amended.

11 (b) A person convicted of a felony shall be ineligible to
12 hold an office created by the Constitution of this State until
13 the completion of his sentence.

14 (c) A person sentenced to imprisonment shall lose his right
15 to vote until released from imprisonment.

16 (d) On completion of sentence of imprisonment or upon
17 discharge from probation, conditional discharge or periodic
18 imprisonment, or at any time thereafter, all license rights and
19 privileges granted under the authority of this State which have
20 been revoked or suspended because of conviction of an offense
21 shall be restored unless the authority having jurisdiction of
22 such license rights finds after investigation and hearing that
23 restoration is not in the public interest. This paragraph (d)
24 shall not apply to the suspension or revocation of a license to
25 operate a motor vehicle under the Illinois Vehicle Code.

1 (e) Upon a person's discharge from incarceration or parole,
2 or upon a person's discharge from probation or at any time
3 thereafter, the committing court may enter an order certifying
4 that the sentence has been satisfactorily completed when the
5 court believes it would assist in the rehabilitation of the
6 person and be consistent with the public welfare. Such order
7 may be entered upon the motion of the defendant or the State or
8 upon the court's own motion.

9 (f) Upon entry of the order, the court shall issue to the
10 person in whose favor the order has been entered a certificate
11 stating that his behavior after conviction has warranted the
12 issuance of the order.

13 (g) This Section shall not affect the right of a defendant
14 to collaterally attack his conviction or to rely on it in bar
15 of subsequent proceedings for the same offense.

16 (h) No application for any license specified in subsection
17 (i) of this Section granted under the authority of this State
18 shall be denied by reason of an eligible offender who has
19 obtained a certificate of relief from disabilities, as defined
20 in Article 5.5 of this Chapter, having been previously
21 convicted of one or more criminal offenses, or by reason of a
22 finding of lack of "good moral character" when the finding is
23 based upon the fact that the applicant has previously been
24 convicted of one or more criminal offenses, unless:

25 (1) there is a direct relationship between one or more
26 of the previous criminal offenses and the specific license

1 sought; or

2 (2) the issuance of the license would involve an
3 unreasonable risk to property or to the safety or welfare
4 of specific individuals or the general public.

5 In making such a determination, the licensing agency shall
6 consider the following factors:

7 (1) the public policy of this State, as expressed in
8 Article 5.5 of this Chapter, to encourage the licensure and
9 employment of persons previously convicted of one or more
10 criminal offenses;

11 (2) the specific duties and responsibilities
12 necessarily related to the license being sought;

13 (3) the bearing, if any, the criminal offenses or
14 offenses for which the person was previously convicted will
15 have on his or her fitness or ability to perform one or
16 more such duties and responsibilities;

17 (4) the time which has elapsed since the occurrence of
18 the criminal offense or offenses;

19 (5) the age of the person at the time of occurrence of
20 the criminal offense or offenses;

21 (6) the seriousness of the offense or offenses;

22 (7) any information produced by the person or produced
23 on his or her behalf in regard to his or her rehabilitation
24 and good conduct, including a certificate of relief from
25 disabilities issued to the applicant, which certificate
26 shall create a presumption of rehabilitation in regard to

1 the offense or offenses specified in the certificate; and

2 (8) the legitimate interest of the licensing agency in
3 protecting property, and the safety and welfare of specific
4 individuals or the general public.

5 (i) A certificate of relief from disabilities shall be
6 issued only for a license or certification issued under the
7 following Acts:

8 (1) the Animal Welfare Act; except that a certificate
9 of relief from disabilities may not be granted to provide
10 for the issuance or restoration of a license under the
11 Animal Welfare Act for any person convicted of violating
12 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
13 Care for Animals Act or Section 26-5 or 48-1 of the
14 Criminal Code of 1961 or the Criminal Code of 2012;

15 (2) the Illinois Athletic Trainers Practice Act;

16 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
17 and Nail Technology Act of 1985;

18 (4) the Boiler and Pressure Vessel Repairer Regulation
19 Act;

20 (5) the Boxing and Full-contact Martial Arts Act;

21 (6) the Illinois Certified Shorthand Reporters Act of
22 1984;

23 (7) the Illinois Farm Labor Contractor Certification
24 Act;

25 (8) the Interior Design Title Act;

26 (9) the Illinois Professional Land Surveyor Act of

1 1989;

2 (10) the Illinois Landscape Architecture Act of 1989;

3 (11) the Marriage and Family Therapy Licensing Act;

4 (12) the Private Employment Agency Act;

5 (13) the Professional Counselor and Clinical
6 Professional Counselor Licensing and Practice Act;

7 (14) the Real Estate License Act of 2000;

8 (15) the Illinois Roofing Industry Licensing Act;

9 (16) the Professional Engineering Practice Act of
10 1989;

11 (17) the Water Well and Pump Installation Contractor's
12 License Act;

13 (18) the Electrologist Licensing Act;

14 (19) the Auction License Act;

15 (20) the Illinois Architecture Practice Act of 1989;

16 (21) the Dietitian Nutritionist Practice Act;

17 (22) the Environmental Health Practitioner Licensing
18 Act;

19 (23) the Funeral Directors and Embalmers Licensing
20 Code;

21 (24) the Land Sales Registration Act of 1999;

22 (25) the Professional Geologist Licensing Act;

23 (26) the Illinois Public Accounting Act; and

24 (27) the Structural Engineering Practice Act of 1989.

25 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11;

26 97-706, eff. 6-25-12; 97-1108, eff. 1-1-13; 97-1141, eff.

1 12-28-12; 97-1150, eff. 1-25-13; revised 2-22-13.)

2 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

3 Sec. 5-8A-3. Application.

4 (a) Except as provided in subsection (d), a person charged
5 with or convicted of an excluded offense may not be placed in
6 an electronic home detention program, except for bond pending
7 trial or appeal or while on parole, aftercare release, or
8 mandatory supervised release.

9 (b) A person serving a sentence for a conviction of a Class
10 1 felony, other than an excluded offense, may be placed in an
11 electronic home detention program for a period not to exceed
12 the last 90 days of incarceration.

13 (c) A person serving a sentence for a conviction of a Class
14 X felony, other than an excluded offense, may be placed in an
15 electronic home detention program for a period not to exceed
16 the last 90 days of incarceration, provided that the person was
17 sentenced on or after the effective date of this amendatory Act
18 of 1993 and provided that the court has not prohibited the
19 program for the person in the sentencing order.

20 (d) A person serving a sentence for conviction of an
21 offense other than for predatory criminal sexual assault of a
22 child, aggravated criminal sexual assault, criminal sexual
23 assault, aggravated criminal sexual abuse, or felony criminal
24 sexual abuse, may be placed in an electronic home detention
25 program for a period not to exceed the last 12 months of

1 incarceration, provided that (i) the person is 55 years of age
2 or older; (ii) the person is serving a determinate sentence;
3 (iii) the person has served at least 25% of the sentenced
4 prison term; and (iv) placement in an electronic home detention
5 program is approved by the Prisoner Review Board.

6 (e) A person serving a sentence for conviction of a Class
7 2, 3 or 4 felony offense which is not an excluded offense may
8 be placed in an electronic home detention program pursuant to
9 Department administrative directives.

10 (f) Applications for electronic home detention may include
11 the following:

12 (1) pretrial or pre-adjudicatory detention;

13 (2) probation;

14 (3) conditional discharge;

15 (4) periodic imprisonment;

16 (5) parole, aftercare release, or mandatory supervised
17 release;

18 (6) work release;

19 (7) furlough; or

20 (8) post-trial incarceration.

21 (g) A person convicted of an offense described in clause
22 (4) or (5) of subsection (d) of Section 5-8-1 of this Code
23 shall be placed in an electronic home detention program for at
24 least the first 2 years of the person's mandatory supervised
25 release term.

26 (Source: P.A. 98-558, eff. 1-1-14; revised 11-12-13.)

1 Section 725. The Code of Civil Procedure is amended by
2 changing Sections 8-2001, 8-2005, 11-106, and 13-110 as
3 follows:

4 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)
5 Sec. 8-2001. Examination of health care records.

6 (a) In this Section:

7 "Health care facility" or "facility" means a public or
8 private hospital, ambulatory surgical treatment center,
9 nursing home, independent practice association, or physician
10 hospital organization, or any other entity where health care
11 services are provided to any person. The term does not include
12 a health care practitioner.

13 "Health care practitioner" means any health care
14 practitioner, including a physician, dentist, podiatric
15 physician, advanced practice nurse, physician assistant,
16 clinical psychologist, or clinical social worker. The term
17 includes a medical office, health care clinic, health
18 department, group practice, and any other organizational
19 structure for a licensed professional to provide health care
20 services. The term does not include a health care facility.

21 (b) Every private and public health care facility shall,
22 upon the request of any patient who has been treated in such
23 health care facility, or any person, entity, or organization
24 presenting a valid authorization for the release of records

1 signed by the patient or the patient's legally authorized
2 representative, or as authorized by Section 8-2001.5, permit
3 the patient, his or her health care practitioner, authorized
4 attorney, or any person, entity, or organization presenting a
5 valid authorization for the release of records signed by the
6 patient or the patient's legally authorized representative to
7 examine the health care facility patient care records,
8 including but not limited to the history, bedside notes,
9 charts, pictures and plates, kept in connection with the
10 treatment of such patient, and permit copies of such records to
11 be made by him or her or his or her health care practitioner or
12 authorized attorney.

13 (c) Every health care practitioner shall, upon the request
14 of any patient who has been treated by the health care
15 practitioner, or any person, entity, or organization
16 presenting a valid authorization for the release of records
17 signed by the patient or the patient's legally authorized
18 representative, permit the patient and the patient's health
19 care practitioner or authorized attorney, or any person,
20 entity, or organization presenting a valid authorization for
21 the release of records signed by the patient or the patient's
22 legally authorized representative, to examine and copy the
23 patient's records, including but not limited to those relating
24 to the diagnosis, treatment, prognosis, history, charts,
25 pictures and plates, kept in connection with the treatment of
26 such patient.

1 (d) A request for copies of the records shall be in writing
2 and shall be delivered to the administrator or manager of such
3 health care facility or to the health care practitioner. The
4 person (including patients, health care practitioners and
5 attorneys) requesting copies of records shall reimburse the
6 facility or the health care practitioner at the time of such
7 copying for all reasonable expenses, including the costs of
8 independent copy service companies, incurred in connection
9 with such copying not to exceed a \$20 handling charge for
10 processing the request and the actual postage or shipping
11 charge, if any, plus: (1) for paper copies 75 cents per page
12 for the first through 25th pages, 50 cents per page for the
13 26th through 50th pages, and 25 cents per page for all pages in
14 excess of 50 (except that the charge shall not exceed \$1.25 per
15 page for any copies made from microfiche or microfilm; records
16 retrieved from scanning, digital imaging, electronic
17 information or other digital format do not qualify as
18 microfiche or microfilm retrieval for purposes of calculating
19 charges); and (2) for electronic records, retrieved from a
20 scanning, digital imaging, electronic information or other
21 digital format in an ~~a~~ electronic document, a charge of 50% of
22 the per page charge for paper copies under subdivision (d)(1).
23 This per page charge includes the cost of each CD Rom, DVD, or
24 other storage media. Records already maintained in an
25 electronic or digital format shall be provided in an electronic
26 format when so requested. If the records system does not allow

1 for the creation or transmission of an electronic or digital
2 record, then the facility or practitioner shall inform the
3 requester in writing of the reason the records can not be
4 provided electronically. The written explanation may be
5 included with the production of paper copies, if the requester
6 chooses to order paper copies. These rates shall be
7 automatically adjusted as set forth in Section 8-2006. The
8 facility or health care practitioner may, however, charge for
9 the reasonable cost of all duplication of record material or
10 information that cannot routinely be copied or duplicated on a
11 standard commercial photocopy machine such as x-ray films or
12 pictures.

13 (d-5) The handling fee shall not be collected from the
14 patient or the patient's personal representative who obtains
15 copies of records under Section 8-2001.5.

16 (e) The requirements of this Section shall be satisfied
17 within 30 days of the receipt of a written request by a patient
18 or by his or her legally authorized representative, health care
19 practitioner, authorized attorney, or any person, entity, or
20 organization presenting a valid authorization for the release
21 of records signed by the patient or the patient's legally
22 authorized representative. If the facility or health care
23 practitioner needs more time to comply with the request, then
24 within 30 days after receiving the request, the facility or
25 health care practitioner must provide the requesting party with
26 a written statement of the reasons for the delay and the date

1 by which the requested information will be provided. In any
2 event, the facility or health care practitioner must provide
3 the requested information no later than 60 days after receiving
4 the request.

5 (f) A health care facility or health care practitioner must
6 provide the public with at least 30 days prior notice of the
7 closure of the facility or the health care practitioner's
8 practice. The notice must include an explanation of how copies
9 of the facility's records may be accessed by patients. The
10 notice may be given by publication in a newspaper of general
11 circulation in the area in which the health care facility or
12 health care practitioner is located.

13 (g) Failure to comply with the time limit requirement of
14 this Section shall subject the denying party to expenses and
15 reasonable attorneys' fees incurred in connection with any
16 court ordered enforcement of the provisions of this Section.

17 (Source: P.A. 97-623, eff. 11-23-11; 97-867, eff. 7-30-12;
18 98-214, eff. 8-9-13; revised 11-22-13.)

19 (735 ILCS 5/8-2005)

20 Sec. 8-2005. Attorney's records. This Section applies only
21 if a client and his or her authorized attorney have complied
22 with all applicable legal requirements regarding examination
23 and copying of client files, including but not limited to
24 satisfaction of expenses and attorney retaining liens.

25 Upon the request of a client, an attorney shall permit the

1 client's authorized attorney to examine and copy the records
2 kept by the attorney in connection with the representation of
3 the client, with the exception of attorney work product. The
4 request for examination and copying of the records shall be in
5 writing and shall be delivered to the attorney. Within a
6 reasonable time after the attorney receives the written
7 request, the attorney shall comply with the written request at
8 his or her office or any other place designated by him or her.
9 At the time of copying, the person requesting the records shall
10 reimburse the attorney for all reasonable expenses, including
11 the costs of independent copy service companies, incurred by
12 the attorney in connection with the copying not to exceed a \$20
13 handling charge for processing the request, and the actual
14 postage or shipping charges, if any, plus (1) for paper copies
15 75 cents per page for the first through 25th pages, 50 cents
16 per page for the 26th through 50th pages, and 25 cents per page
17 for all pages in excess of 50 (except that the charge shall not
18 exceed \$1.25 per page for any copies made from microfiche or
19 microfilm; records retrieved from scanning, digital imaging,
20 electronic information or other digital format do not qualify
21 as microfiche or microfilm retrieval for purposes of
22 calculating charges); and (2) for electronic records,
23 retrieved from a scanning, digital imaging, electronic
24 information or other digital format in an ~~a~~ electronic
25 document, a charge of 50% of the per page charge for paper
26 copies under subdivision (d)(1). This per page charge includes

1 the cost of each CD Rom, DVD, or other storage media. Records
2 already maintained in an electronic or digital format shall be
3 provided in an electronic format when so requested. If the
4 records system does not allow for the creation or transmission
5 of an electronic or digital record, then the attorney shall
6 inform the requester in writing of the reason the records
7 cannot be provided electronically. The written explanation may
8 be included with the production of paper copies, if the
9 requester chooses to order paper copies. These rates shall be
10 automatically adjusted as set forth in Section 8-2006. The
11 attorney may, however, charge for the reasonable cost of all
12 duplication of record material or information that cannot
13 routinely be copied or duplicated on a standard commercial
14 photocopy machine such as pictures.

15 An attorney shall satisfy the requirements of this Section
16 within 60 days after he or she receives a request from a client
17 or his or her authorized attorney. An attorney who fails to
18 comply with the time limit requirement of this Section shall be
19 required to pay expenses and reasonable attorney's fees
20 incurred in connection with any court-ordered enforcement of
21 the requirements of this Section.

22 (Source: P.A. 95-478, eff. 1-1-08 (changed from 8-27-07 by P.A.
23 95-480); 95-480, eff. 1-1-08; revised 11-22-13.)

24 (735 ILCS 5/11-106) (from Ch. 110, par. 11-106)

25 Sec. 11-106. Injunctive relief on Saturday, Sunday or legal

1 holiday. When an application is made on a Saturday, Sunday,
2 legal holiday or on a day when courts are not in session for
3 injunctive relief and there is filed with the complaint an
4 affidavit of the plaintiff, or his, her or their agent or
5 attorney, stating that the benefits of injunctive relief will
6 be lost or endangered, or irremediable damage occasioned unless
7 such injunctive relief is immediately granted, and stating the
8 bases for such alleged consequence,⁷ and if it appears to the
9 court from such affidavit that the benefits of injunctive
10 relief will be lost or endangered, or irremediable damage
11 occasioned unless such injunctive relief is immediately
12 granted, and if the plaintiff otherwise is entitled to such
13 relief under the law, the court may grant injunctive relief on
14 a Saturday, Sunday, legal holiday, or on a day when courts are
15 not in session; and it shall be lawful for the clerk to
16 certify, and for the sheriff or coroner to serve such order for
17 injunctive relief on a Saturday, Sunday, legal holiday or on a
18 day when courts are not in session as on any other day, and all
19 affidavits and bonds made and proceedings had in such case
20 shall have the same force and effect as if made or had on any
21 other day.

22 (Source: P.A. 82-280; revised 11-22-13.)

23 (735 ILCS 5/13-110) (from Ch. 110, par. 13-110)

24 Sec. 13-110. Vacant land - Payment of taxes with color of
25 title. Whenever a person having color of title, made in good

1 faith, to vacant and unoccupied land, pays all taxes legally
2 assessed thereon for 7 successive years, he or she shall be
3 deemed and adjudged to be the legal owner of such vacant and
4 unoccupied land, to the extent and according to the purport of
5 his or her paper title. All persons holding under such
6 taxpayer, by purchase, legacy or descent, before such 7 years
7 expired, and who continue to pay the taxes, as above set out,
8 so as to complete the payment of taxes for the ~~such~~ term, are
9 entitled to the benefit of this Section. However, if any
10 person, having a better paper title to such vacant and
11 unoccupied land, during the term of 7 years, pays the taxes
12 assessed on such land for any one or more years of the term of 7
13 years, then such taxpayer, his or her heirs, legatees or
14 assigns, shall not be entitled to the benefit of this Section.

15 (Source: P.A. 83-707; revised 11-22-13.)

16 Section 730. The Eminent Domain Act is amended by changing
17 Sections 15-5-15, 15-5-35, and 15-5-47 and by setting forth and
18 renumbering multiple versions of Section 25-5-45 as follows:

19 (735 ILCS 30/15-5-15)

20 Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70
21 through 75. The following provisions of law may include express
22 grants of the power to acquire property by condemnation or
23 eminent domain:

1 (70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport
2 authorities; for public airport facilities.

3 (70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport
4 authorities; for removal of airport hazards.

5 (70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport
6 authorities; for reduction of the height of objects or
7 structures.

8 (70 ILCS 10/4); Interstate Airport Authorities Act; interstate
9 airport authorities; for general purposes.

10 (70 ILCS 15/3); Kankakee River Valley Area Airport Authority
11 Act; Kankakee River Valley Area Airport Authority; for
12 acquisition of land for airports.

13 (70 ILCS 200/2-20); Civic Center Code; civic center
14 authorities; for grounds, centers, buildings, and parking.

15 (70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center
16 Authority; for grounds, centers, buildings, and parking.

17 (70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan
18 Exposition, Auditorium and Office Building Authority; for
19 grounds, centers, buildings, and parking.

20 (70 ILCS 200/15-40); Civic Center Code; Benton Civic Center
21 Authority; for grounds, centers, buildings, and parking.

22 (70 ILCS 200/20-15); Civic Center Code; Bloomington Civic
23 Center Authority; for grounds, centers, buildings, and
24 parking.

25 (70 ILCS 200/35-35); Civic Center Code; Brownstown Park
26 District Civic Center Authority; for grounds, centers,

1 buildings, and parking.

2 (70 ILCS 200/40-35); Civic Center Code; Carbondale Civic Center
3 Authority; for grounds, centers, buildings, and parking.

4 (70 ILCS 200/55-60); Civic Center Code; Chicago South Civic
5 Center Authority; for grounds, centers, buildings, and
6 parking.

7 (70 ILCS 200/60-30); Civic Center Code; Collinsville
8 Metropolitan Exposition, Auditorium and Office Building
9 Authority; for grounds, centers, buildings, and parking.

10 (70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic
11 Center Authority; for grounds, centers, buildings, and
12 parking.

13 (70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan
14 Exposition, Auditorium and Office Building Authority; for
15 grounds, centers, buildings, and parking.

16 (70 ILCS 200/80-15); Civic Center Code; DuPage County
17 Metropolitan Exposition, Auditorium and Office Building
18 Authority; for grounds, centers, buildings, and parking.

19 (70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan
20 Exposition, Auditorium and Office Building Authority; for
21 grounds, centers, buildings, and parking.

22 (70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan
23 Exposition, Auditorium and Office Building Authority; for
24 grounds, centers, buildings, and parking.

25 (70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic
26 Center Authority; for grounds, centers, buildings, and

1 parking.

2 (70 ILCS 200/115-35); Civic Center Code; Jasper County Civic
3 Center Authority; for grounds, centers, buildings, and
4 parking.

5 (70 ILCS 200/120-25); Civic Center Code; Jefferson County
6 Metropolitan Exposition, Auditorium and Office Building
7 Authority; for grounds, centers, buildings, and parking.

8 (70 ILCS 200/125-15); Civic Center Code; Jo Daviess County
9 Civic Center Authority; for grounds, centers, buildings,
10 and parking.

11 (70 ILCS 200/130-30); Civic Center Code; Katherine Dunham
12 Metropolitan Exposition, Auditorium and Office Building
13 Authority; for grounds, centers, buildings, and parking.

14 (70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center
15 Authority; for grounds, centers, buildings, and parking.

16 (70 ILCS 200/150-35); Civic Center Code; Mason County Civic
17 Center Authority; for grounds, centers, buildings, and
18 parking.

19 (70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan
20 Civic Center Authority; for grounds, centers, buildings,
21 and parking.

22 (70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center
23 Authority; for grounds, centers, buildings, and parking.

24 (70 ILCS 200/165-35); Civic Center Code; Melrose Park
25 Metropolitan Exposition Auditorium and Office Building
26 Authority; for grounds, centers, buildings, and parking.

1 (70 ILCS 200/170-20); Civic Center Code; certain Metropolitan
2 Exposition, Auditorium and Office Building Authorities;
3 for general purposes.

4 (70 ILCS 200/180-35); Civic Center Code; Normal Civic Center
5 Authority; for grounds, centers, buildings, and parking.

6 (70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center
7 Authority; for grounds, centers, buildings, and parking.

8 (70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center
9 Authority; for grounds, centers, buildings, and parking.

10 (70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center
11 Authority; for grounds, centers, buildings, and parking.

12 (70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center
13 Authority; for grounds, centers, buildings, and parking.

14 (70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center
15 Authority; for grounds, centers, buildings, and parking.

16 (70 ILCS 200/215-15); Civic Center Code; Illinois Quad City
17 Civic Center Authority; for grounds, centers, buildings,
18 and parking.

19 (70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan
20 Exposition, Auditorium and Office Building Authority; for
21 grounds, centers, buildings, and parking.

22 (70 ILCS 200/225-35); Civic Center Code; Randolph County Civic
23 Center Authority; for grounds, centers, buildings, and
24 parking.

25 (70 ILCS 200/230-35); Civic Center Code; River Forest
26 Metropolitan Exposition, Auditorium and Office Building

1 Authority; for grounds, centers, buildings, and parking.
2 (70 ILCS 200/235-40); Civic Center Code; Riverside Civic Center
3 Authority; for grounds, centers, buildings, and parking.
4 (70 ILCS 200/245-35); Civic Center Code; Salem Civic Center
5 Authority; for grounds, centers, buildings, and parking.
6 (70 ILCS 200/255-20); Civic Center Code; Springfield
7 Metropolitan Exposition and Auditorium Authority; for
8 grounds, centers, and parking.
9 (70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan
10 Exposition, Auditorium and Office Building Authority; for
11 grounds, centers, buildings, and parking.
12 (70 ILCS 200/265-20); Civic Center Code; Vermilion County
13 Metropolitan Exposition, Auditorium and Office Building
14 Authority; for grounds, centers, buildings, and parking.
15 (70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center
16 Authority; for grounds, centers, buildings, and parking.
17 (70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic
18 Center Authority; for grounds, centers, buildings, and
19 parking.
20 (70 ILCS 200/280-20); Civic Center Code; Will County
21 Metropolitan Exposition and Auditorium Authority; for
22 grounds, centers, and parking.
23 (70 ILCS 210/5); Metropolitan Pier and Exposition Authority
24 Act; Metropolitan Pier and Exposition Authority; for
25 general purposes, including quick-take power.
26 (70 ILCS 405/22.04); Soil and Water Conservation Districts Act;

1 soil and water conservation districts; for general
2 purposes.

3 (70 ILCS 410/10 and 410/12); Conservation District Act;
4 conservation districts; for open space, wildland, scenic
5 roadway, pathway, outdoor recreation, or other
6 conservation benefits.

7 (70 ILCS 503/25); Chanute-Rantoul National Aviation Center
8 Redevelopment Commission Act; Chanute-Rantoul National
9 Aviation Center Redevelopment Commission; for general
10 purposes.

11 (70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act;
12 Fort Sheridan Redevelopment Commission; for general
13 purposes or to carry out comprehensive or redevelopment
14 plans.

15 (70 ILCS 520/8); Southwestern Illinois Development Authority
16 Act; Southwestern Illinois Development Authority; for
17 general purposes, including quick-take power.

18 (70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code;
19 drainage districts; for general purposes.

20 (70 ILCS 615/5 and 615/6); Chicago Drainage District Act;
21 corporate authorities; for construction and maintenance of
22 works.

23 (70 ILCS 705/10); Fire Protection District Act; fire protection
24 districts; for general purposes.

25 (70 ILCS 750/20); Flood Prevention District Act; flood
26 prevention districts; for general purposes.

1 (70 ILCS 805/6); Downstate Forest Preserve District Act;
2 certain forest preserve districts; for general purposes.

3 (70 ILCS 805/18.8); Downstate Forest Preserve District Act;
4 certain forest preserve districts; for recreational and
5 cultural facilities.

6 (70 ILCS 810/8); Cook County Forest Preserve District Act;
7 Forest Preserve District of Cook County; for general
8 purposes.

9 (70 ILCS 810/38); Cook County Forest Preserve District Act;
10 Forest Preserve District of Cook County; for recreational
11 facilities.

12 (70 ILCS 910/15 and 910/16); Hospital District Law; hospital
13 districts; for hospitals or hospital facilities.

14 (70 ILCS 915/3); Illinois Medical District Act; Illinois
15 Medical District Commission; for general purposes.

16 (70 ILCS 915/4.5); Illinois Medical District Act; Illinois
17 Medical District Commission; quick-take power for the
18 Illinois State Police Forensic Science Laboratory
19 (obsolete).

20 (70 ILCS 920/5); Tuberculosis Sanitarium District Act;
21 tuberculosis sanitarium districts; for tuberculosis
22 sanitariums.

23 (70 ILCS 925/20); Mid-Illinois Medical District Act;
24 Mid-Illinois Medical District; for general purposes.

25 (70 ILCS 930/20); Mid-America Medical District Act;
26 Mid-America Medical District Commission; for general

1 purposes.

2 (70 ILCS 935/20); Roseland Community Medical District Act;
3 medical district; for general purposes.

4 (70 ILCS 1005/7); Mosquito Abatement District Act; mosquito
5 abatement districts; for general purposes.

6 (70 ILCS 1105/8); Museum District Act; museum districts; for
7 general purposes.

8 (70 ILCS 1205/7-1); Park District Code; park districts; for
9 streets and other purposes.

10 (70 ILCS 1205/8-1); Park District Code; park districts; for
11 parks.

12 (70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park
13 districts; for airports and landing fields.

14 (70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park
15 districts; for State land abutting public water and certain
16 access rights.

17 (70 ILCS 1205/11.1-3); Park District Code; park districts; for
18 harbors.

19 (70 ILCS 1225/2); Park Commissioners Land Condemnation Act;
20 park districts; for street widening.

21 (70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water Control
22 Act; park districts; for parks, boulevards, driveways,
23 parkways, viaducts, bridges, or tunnels.

24 (70 ILCS 1250/2); Park Commissioners Street Control (1889) Act;
25 park districts; for boulevards or driveways.

26 (70 ILCS 1290/1); Park District Aquarium and Museum Act;

1 municipalities or park districts; for aquariums or
2 museums.

3 (70 ILCS 1305/2); Park District Airport Zoning Act; park
4 districts; for restriction of the height of structures.

5 (70 ILCS 1310/5); Park District Elevated Highway Act; park
6 districts; for elevated highways.

7 (70 ILCS 1505/15); Chicago Park District Act; Chicago Park
8 District; for parks and other purposes.

9 (70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park
10 District; for parking lots or garages.

11 (70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park
12 District; for harbors.

13 (70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation
14 Act; Lincoln Park Commissioners; for land and interests in
15 land, including riparian rights.

16 (70 ILCS 1801/30); Alexander-Cairo Port District Act;
17 Alexander-Cairo Port District; for general purposes.

18 (70 ILCS 1805/8); Havana Regional Port District Act; Havana
19 Regional Port District; for general purposes.

20 (70 ILCS 1810/7); Illinois International Port District Act;
21 Illinois International Port District; for general
22 purposes.

23 (70 ILCS 1815/13); Illinois Valley Regional Port District Act;
24 Illinois Valley Regional Port District; for general
25 purposes.

26 (70 ILCS 1820/4); Jackson-Union Counties Regional Port

1 District Act; Jackson-Union Counties Regional Port
2 District; for removal of airport hazards or reduction of
3 the height of objects or structures.

4 (70 ILCS 1820/5); Jackson-Union Counties Regional Port
5 District Act; Jackson-Union Counties Regional Port
6 District; for general purposes.

7 (70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet
8 Regional Port District; for removal of airport hazards.

9 (70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet
10 Regional Port District; for reduction of the height of
11 objects or structures.

12 (70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet
13 Regional Port District; for removal of hazards from ports
14 and terminals.

15 (70 ILCS 1825/5); Joliet Regional Port District Act; Joliet
16 Regional Port District; for general purposes.

17 (70 ILCS 1830/7.1); Kaskaskia Regional Port District Act;
18 Kaskaskia Regional Port District; for removal of hazards
19 from ports and terminals.

20 (70 ILCS 1830/14); Kaskaskia Regional Port District Act;
21 Kaskaskia Regional Port District; for general purposes.

22 (70 ILCS 1831/30); Massac-Metropolis Port District Act;
23 Massac-Metropolis Port District; for general purposes.

24 (70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act; Mt.
25 Carmel Regional Port District; for removal of airport
26 hazards.

1 (70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act; Mt.
2 Carmel Regional Port District; for reduction of the height
3 of objects or structures.

4 (70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt.
5 Carmel Regional Port District; for general purposes.

6 (70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port
7 District; for general purposes.

8 (70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca
9 Regional Port District; for removal of airport hazards.

10 (70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca
11 Regional Port District; for reduction of the height of
12 objects or structures.

13 (70 ILCS 1845/5); Seneca Regional Port District Act; Seneca
14 Regional Port District; for general purposes.

15 (70 ILCS 1850/4); Shawneetown Regional Port District Act;
16 Shawneetown Regional Port District; for removal of airport
17 hazards or reduction of the height of objects or
18 structures.

19 (70 ILCS 1850/5); Shawneetown Regional Port District Act;
20 Shawneetown Regional Port District; for general purposes.

21 (70 ILCS 1855/4); Southwest Regional Port District Act;
22 Southwest Regional Port District; for removal of airport
23 hazards or reduction of the height of objects or
24 structures.

25 (70 ILCS 1855/5); Southwest Regional Port District Act;
26 Southwest Regional Port District; for general purposes.

1 (70 ILCS 1860/4); Tri-City Regional Port District Act; Tri-City
2 Regional Port District; for removal of airport hazards.

3 (70 ILCS 1860/5); Tri-City Regional Port District Act; Tri-City
4 Regional Port District; for the development of facilities.

5 (70 ILCS 1863/11); Upper Mississippi River International Port
6 District Act; Upper Mississippi River International Port
7 District; for general purposes.

8 (70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port
9 District; for removal of airport hazards.

10 (70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port
11 District; for restricting the height of objects or
12 structures.

13 (70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port
14 District; for the development of facilities.

15 (70 ILCS 1870/8); White County Port District Act; White County
16 Port District; for the development of facilities.

17 (70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad
18 Terminal Authority (Chicago); for general purposes.

19 (70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority
20 Act; Grand Avenue Railroad Relocation Authority; for
21 general purposes, including quick-take power (now
22 obsolete).

23 (70 ILCS 1935/25); Elmwood Park Grade Separation Authority Act;
24 Elmwood Park Grade Separation Authority; for general
25 purposes.

26 (70 ILCS 2105/9b); River Conservancy Districts Act; river

1 conservancy districts; for general purposes.

2 (70 ILCS 2105/10a); River Conservancy Districts Act; river
3 conservancy districts; for corporate purposes.

4 (70 ILCS 2205/15); Sanitary District Act of 1907; sanitary
5 districts; for corporate purposes.

6 (70 ILCS 2205/18); Sanitary District Act of 1907; sanitary
7 districts; for improvements and works.

8 (70 ILCS 2205/19); Sanitary District Act of 1907; sanitary
9 districts; for access to property.

10 (70 ILCS 2305/8); North Shore Sanitary District Act; North
11 Shore Sanitary District; for corporate purposes.

12 (70 ILCS 2305/15); North Shore Sanitary District Act; North
13 Shore Sanitary District; for improvements.

14 (70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary
15 District of Decatur; for carrying out agreements to sell,
16 convey, or disburse treated wastewater to a private entity.

17 (70 ILCS 2405/8); Sanitary District Act of 1917; sanitary
18 districts; for corporate purposes.

19 (70 ILCS 2405/15); Sanitary District Act of 1917; sanitary
20 districts; for improvements.

21 (70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of
22 1917; sanitary districts; for waterworks.

23 (70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary
24 districts; for public sewer and water utility treatment
25 works.

26 (70 ILCS 2405/18); Sanitary District Act of 1917; sanitary

1 districts; for dams or other structures to regulate water
2 flow.

3 (70 ILCS 2605/8); Metropolitan Water Reclamation District Act;
4 Metropolitan Water Reclamation District; for corporate
5 purposes.

6 (70 ILCS 2605/16); Metropolitan Water Reclamation District
7 Act; Metropolitan Water Reclamation District; quick-take
8 power for improvements.

9 (70 ILCS 2605/17); Metropolitan Water Reclamation District
10 Act; Metropolitan Water Reclamation District; for bridges.

11 (70 ILCS 2605/35); Metropolitan Water Reclamation District
12 Act; Metropolitan Water Reclamation District; for widening
13 and deepening a navigable stream.

14 (70 ILCS 2805/10); Sanitary District Act of 1936; sanitary
15 districts; for corporate purposes.

16 (70 ILCS 2805/24); Sanitary District Act of 1936; sanitary
17 districts; for improvements.

18 (70 ILCS 2805/26i and 2805/26j); Sanitary District Act of 1936;
19 sanitary districts; for drainage systems.

20 (70 ILCS 2805/27); Sanitary District Act of 1936; sanitary
21 districts; for dams or other structures to regulate water
22 flow.

23 (70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary
24 districts; for water supply.

25 (70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary
26 districts; for waterworks.

1 (70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974;
2 Metro-East Sanitary District; for corporate purposes.

3 (70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974;
4 Metro-East Sanitary District; for access to property.

5 (70 ILCS 3010/10); Sanitary District Revenue Bond Act; sanitary
6 districts; for sewerage systems.

7 (70 ILCS 3205/12); Illinois Sports Facilities Authority Act;
8 Illinois Sports Facilities Authority; quick-take power for
9 its corporate purposes (obsolete).

10 (70 ILCS 3405/16); Surface Water Protection District Act;
11 surface water protection districts; for corporate
12 purposes.

13 (70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago
14 Transit Authority; for transportation systems.

15 (70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago
16 Transit Authority; for general purposes.

17 (70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago
18 Transit Authority; for general purposes, including
19 railroad property.

20 (70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act;
21 local mass transit districts; for general purposes.

22 (70 ILCS 3615/2.13); Regional Transportation Authority Act;
23 Regional Transportation Authority; for general purposes.

24 (70 ILCS 3705/8 and 3705/12); Public Water District Act; public
25 water districts; for waterworks.

26 (70 ILCS 3705/23a); Public Water District Act; public water

1 districts; for sewerage properties.
2 (70 ILCS 3705/23e); Public Water District Act; public water
3 districts; for combined waterworks and sewerage systems.
4 (70 ILCS 3715/6); Water Authorities Act; water authorities; for
5 facilities to ensure adequate water supply.
6 (70 ILCS 3715/27); Water Authorities Act; water authorities;
7 for access to property.
8 (75 ILCS 5/4-7); Illinois Local Library Act; boards of library
9 trustees; for library buildings.
10 (75 ILCS 16/30-55.80); Public Library District Act of 1991;
11 public library districts; for general purposes.
12 (75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate
13 authorities of city or park district, or board of park
14 commissioners; for free public library buildings.
15 (Source: P.A. 96-1000, eff. 7-2-10; 97-333, eff. 8-12-11;
16 incorporates 96-1522, eff. 2-14-11, and 97-259, eff. 8-5-11;
17 97-813, eff. 7-13-12; incorporates 98-564, eff. 8-27-13;
18 revised 11-25-13.)

19 (735 ILCS 30/15-5-35)

20 Sec. 15-5-35. Eminent domain powers in ILCS Chapters 605
21 through 625. The following provisions of law may include
22 express grants of the power to acquire property by condemnation
23 or eminent domain:

24 (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 county
17 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 Highway

1 Authority; for property of a municipality or political
2 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 land
15 along highways.

16 (610 ILCS 70/1); Railroad Powers Act; purchasers and lessees of
17 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 Natural
24 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 of
2 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; counties;
6 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 (Source: P.A. 97-808, eff. 7-13-12; incorporates 98-109, eff.
20 7-25-13; revised 11-25-13.)

21 (735 ILCS 30/15-5-47)

22 Sec. 15-5-47. Eminent domain powers in new Acts. The
23 following provisions of law may include express grants of the
24 power to acquire property by condemnation or eminent domain:

1 (Reserved).

2 ~~The Elmwood Park Grade Separation Authority Act; Elmwood Park~~
3 ~~Grade Separation Authority; for general purposes.~~

4 ~~Public-Private Agreements for the South Suburban Airport Act;~~
5 ~~Department of Transportation; for South Suburban Airport~~
6 ~~purposes.~~

7 (Source: P.A. 98-109, eff. 7-25-13; 98-564, eff. 8-27-13;
8 revised 11-25-13.)

9 (735 ILCS 30/25-5-45)

10 Sec. 25-5-45. Quick-take; South Suburban Airport.
11 Quick-take proceedings under Article 20 may be used by the
12 Department of Transportation for the purpose of development of
13 the South Suburban Airport within the boundaries designated on
14 the map filed with the Secretary of State on May 28, 2013 and
15 known as file number 98-GA-D01.

16 (Source: P.A. 98-109, eff. 7-25-13.)

17 (735 ILCS 30/25-5-50)

18 Sec. 25-5-50 ~~25-5-45~~. Quick-take; McHenry County.
19 Quick-take proceedings under Article 20 may be used for a
20 period of no longer than one year from the effective date of
21 this amendatory Act of the 98th General Assembly by McHenry
22 County for the acquisition of the following described property
23 for the purpose of public improvements to serve McHenry County:

1 Route: F.A.U. 168 (Johnsburg Road)
2 Section: 05-00314-00-WR
3 County: McHenry Job No.: R-91-005-06
4 Parcel: 1HK0045
5 Sta. 58+07.09 To Sta. 58+31.89
6 Sta. 176+10.72 To Sta. 177+36.15
7 Owner: JNL-Johnsburg Properties, Inc.
8 Index No. 09-13-277-001
9 09-13-277-002

10 That part of Sub Lot 2 of Lot 28 in Plat Number 3 McHenry,
11 County Clerk's Plat of Section 13, Township 45 North, Range 8
12 East of the Third Principal Meridian, according to the plat
13 thereof recorded May 6, 1902 as document number 14079, in
14 McHenry County, Illinois, described as follows:

15 Commencing at the southeast corner of the Northeast Quarter of
16 said Section 13; thence on an assumed bearing of South 89
17 degrees 15 minutes 13 seconds West along the south line of the
18 Northeast Quarter of said Section 13, as monumented and
19 occupied, a distance of 824.94 feet (825.2 feet, recorded)
20 (826.0 feet, recorded) to a point of intersection with the
21 Southerly extension of the east line of the grantor; thence
22 North 1 degree 20 minutes 53 seconds East along the said
23 Southerly extension of the east line of the grantor, a distance
24 of 132.49 feet to the northeasterly right of way line of Chapel

1 Hill Road recorded January 26, 1932 as document number 100422,
2 being also the southeast corner of the grantor; thence North 46
3 degrees 56 minutes 58 seconds West along the said northeasterly
4 right of way line of Chapel Hill Road and along the
5 northeasterly right of way line of Chapel Hill Road recorded
6 January 26, 1932 as document number 100421, a distance of
7 261.08 feet to the point of beginning; thence continuing North
8 46 degrees 56 minutes 58 seconds West along the northeasterly
9 right of way line of Chapel Hill Road recorded as document
10 number 100421, a distance of 14.94 feet to the east right of
11 way line of Chapel Hill Road recorded January 26, 1932 as
12 document number 100420; thence North 2 degrees 09 minutes 50
13 seconds East along the said east right of way line of Chapel
14 Hill Road and the Northerly extension thereof, a distance of
15 64.92 feet (64.91 feet, more or less, recorded) to the center
16 line of Johnsbury Road; thence North 87 degrees 42 minutes 53
17 seconds East along the said center line of Johnsbury Road, a
18 distance of 123.08 feet; thence South 2 degrees 17 minutes 07
19 seconds East, a distance of 30.00 feet to the south right of
20 way line of Johnsbury Road according to a Plat of Survey by the
21 County Surveyor dated October 21, 1952 in Surveyor Book Number
22 5, page 204; thence South 2 degrees 48 minutes 02 seconds East,
23 a distance of 1.05 feet; thence westerly 59.83 feet along a
24 curve to the left having a radius of 987.47 feet, the chord of
25 said curve bears South 85 degrees 27 minutes 49 seconds West,
26 59.82 feet; thence South 70 degrees 14 minutes 11 seconds West,

1 a distance of 47.08 feet; thence South 22 degrees 40 minutes 19
2 seconds West, a distance of 30.69 feet to the point of
3 beginning.

4 Said parcel containing 0.117 acre, more or less, of which 0.086
5 acre, more or less, was previously dedicated or used for
6 highway purposes.

7 (Source: P.A. 98-229, eff. 8-9-13; revised 10-25-13.)

8 Section 735. The Crime Victims Compensation Act is amended
9 by changing Section 17 as follows:

10 (740 ILCS 45/17) (from Ch. 70, par. 87)

11 Sec. 17. ~~(a)~~ Subrogation.

12 (a) The Court of Claims may award compensation on the
13 condition that the applicant subrogate to the State his rights
14 to collect damages from the assailant or any third party who
15 may be liable in damages to the applicant. In such a case the
16 Attorney General may, on behalf of the State, bring an action
17 against an assailant or third party for money damages, but must
18 first notify the applicant and give him an opportunity to
19 participate in the prosecution of the action. The excess of the
20 amount recovered in such action over the amount of the
21 compensation offered and accepted or awarded under this Act
22 plus costs of the action and attorneys' fees actually incurred
23 shall be paid to the applicant.

1 (b) Nothing in this Act affects the right of the applicant
2 to seek civil damages from the assailant and any other party,
3 but that applicant must give written notice to the Attorney
4 General within 10 days after the making of a claim or the
5 filing of an action for such damages, and within 10 days after
6 the conclusion of the claim or action. The applicant must
7 attach to the written notice a copy of the complaint,
8 settlement agreement, jury verdict, or judgment. Failure to
9 timely notify the Attorney General of such claims and actions
10 is a willful omission of fact and the applicant thereby becomes
11 subject to the provisions of Section 20 of this Act.

12 (c) The State has a charge for the amount of compensation
13 paid under this Act upon all claims or causes of action against
14 an assailant and any other party to recover for the injuries or
15 death of a victim which were the basis for that payment of
16 compensation. At the time compensation is ordered to be paid
17 under this Act, the Court of Claims shall give written notice
18 of this charge to the applicant. The charge attaches to any
19 verdict or judgment entered and to any money or property which
20 is recovered on account of the claim or cause of action against
21 the assailant or any other party after the notice is given. On
22 petition filed by the Attorney General on behalf of the State
23 or by the applicant, the circuit court, on written notice to
24 all interested parties, shall adjudicate the right of the
25 parties and enforce the charge. This subsection does not affect
26 the priority of a lien under "AN ACT creating attorney's lien

1 and for enforcement of same", filed June 16, 1909, as amended.

2 Only the Court of Claims may reduce the State's lien under
3 this Act. The Court of Claims may consider the nature and
4 extent of the injury, economic loss, settlements, hospital
5 costs, physician costs, attorney's fees and costs, and all
6 other appropriate costs. The burden of producing evidence
7 sufficient to support the exercise by the Court of Claims of
8 its discretion to reduce the amount of a proven charge sought
9 to be enforced against the recovery shall rest with the party
10 seeking such reduction. The charges of the State described in
11 this Section, however, shall take priority over all other liens
12 and charges existing under the laws of the State of Illinois.

13 (d) Where compensation is awarded under this Act and the
14 person receiving same also receives any sum required to be, and
15 that has not been deducted under Section 10.1, he shall refund
16 to the State the amount of compensation paid to him which would
17 have been deducted at the time the award was made.

18 (e) An amount not to exceed 25% of all money recovered
19 under subsections (b) or (c) of this Section shall be placed in
20 the Violent Crime Victims Assistance Fund to assist with costs
21 related to recovery efforts. "Recovery efforts" means those
22 activities that are directly attributable to obtaining
23 restitution, civil suit recoveries, and other reimbursements.

24 (f) The applicant must give written notice to the Attorney
25 General within 10 days after an offender is ordered by a court
26 to pay restitution. The applicant shall attach a copy of the

1 restitution order or judgment to the written notice. Failure to
2 timely notify the Attorney General of court-ordered
3 restitution is a willful omission of fact and the applicant
4 thereby becomes subject to the provisions of Section 20 of this
5 Act. The Attorney General may file a written copy of the Court
6 of Claims' decision awarding crime victims compensation in a
7 criminal case in which the offender has been ordered to pay
8 restitution for the victim's expenses incurred as a result of
9 the same criminal conduct. Upon the filing of the order, the
10 circuit court clerk shall send restitution payments directly to
11 the compensation program for any paid expense reflected in the
12 Court of Claims' decision.

13 (Source: P.A. 97-817, eff. 1-1-13; revised 11-12-13.)

14 Section 740. The Mental Health and Developmental
15 Disabilities Confidentiality Act is amended by changing
16 Section 12.2 as follows:

17 (740 ILCS 110/12.2) (from Ch. 91 1/2, par. 812.2)

18 Sec. 12.2. (a) When a recipient who has been judicially or
19 involuntarily admitted, or is a forensic recipient admitted to
20 a developmental disability or mental health facility, as
21 defined in Section 1-107 or 1-114 of the Mental Health and
22 Developmental Disabilities Code, is on an unauthorized absence
23 or otherwise has left the facility without being discharged or
24 being free to do so, the facility director shall immediately

1 furnish and disclose to the appropriate local law enforcement
2 agency identifying information, as defined in this Section, and
3 all further information unrelated to the diagnosis, treatment
4 or evaluation of the recipient's mental or physical health that
5 would aid the law enforcement agency in locating and
6 apprehending the recipient and returning him to the facility.
7 When a forensic recipient is on an unauthorized absence or
8 otherwise has left the facility without being discharged or
9 being free to do so, the facility director, or designee, of a
10 mental health facility or developmental facility operated by
11 the Department shall also immediately notify, in like manner,
12 the Department of State Police.

13 (b) If a law enforcement agency requests information from a
14 developmental disability or mental health facility, as defined
15 in Section 1-107 or 1-114 of the Mental Health and
16 Developmental Disabilities Code, relating to a recipient who
17 has been admitted to the facility and for whom a missing person
18 report has been filed with a law enforcement agency, the
19 facility director shall, except in the case of a voluntary
20 recipient wherein the recipient's permission in writing must
21 first be obtained, furnish and disclose to the law enforcement
22 agency identifying information as is necessary to confirm or
23 deny whether that person is, or has been since the missing
24 person report was filed, a resident of that facility. The
25 facility director shall notify the law enforcement agency if
26 the missing person is admitted after the request. Any person

1 participating in good faith in the disclosure of information in
2 accordance with this provision shall have immunity from any
3 liability, civil, criminal, or otherwise, if the information is
4 disclosed relying upon the representation of an officer of a
5 law enforcement agency that a missing person report has been
6 filed.

7 (c) Upon the request of a law enforcement agency in
8 connection with the investigation of a particular felony or sex
9 offense, when the investigation case file number is furnished
10 by the law enforcement agency, a facility director shall
11 immediately disclose to that law enforcement agency
12 identifying information on any forensic recipient who is
13 admitted to a developmental disability or mental health
14 facility, as defined in Section 1-107 or 1-114 of the Mental
15 Health and Developmental Disabilities Code, who was or may have
16 been away from the facility at or about the time of the
17 commission of a particular felony or sex offense, and: (1)
18 whose description, clothing, or both reasonably match the
19 physical description of any person allegedly involved in that
20 particular felony or sex offense; or (2) whose past modus
21 operandi matches the modus operandi of that particular felony
22 or sex offense.

23 (d) For the purposes of this Section and Section 12.1, "law
24 enforcement agency" means an agency of the State or unit of
25 local government that is vested by law or ordinance with the
26 duty to maintain public order and to enforce criminal laws or

1 ordinances, the Federal Bureau of Investigation, the Central
2 Intelligence Agency, and the United States Secret Service.

3 (e) For the purpose of this Section, "identifying
4 information" means the name, address, age, and a physical
5 description, including clothing, of the recipient of services,
6 the names and addresses of the recipient's nearest known
7 relatives, where the recipient was known to have been during
8 any past unauthorized absences from a facility, whether the
9 recipient may be suicidal, and the condition of the recipient's
10 physical health as it relates to exposure to the weather.
11 Except as provided in Section 11, in no case shall the facility
12 director disclose to the law enforcement agency any information
13 relating to the diagnosis, treatment, or evaluation of the
14 recipient's mental or physical health, unless the disclosure is
15 deemed necessary by the facility director to insure the safety
16 of the investigating officers or general public.

17 (f) For the purpose of this Section, "forensic recipient"
18 means a recipient who is placed in a developmental disability
19 facility or mental health facility, as defined in Section 1-107
20 or 1-114 of the Mental Health and Developmental Disabilities
21 Code, pursuant to Article 104 of the Code of Criminal Procedure
22 of 1963 or Sections 3-8-5, 3-10-5 or 5-2-4 of the Unified Code
23 of Corrections.

24 (Source: P.A. 96-1191, eff. 7-22-10; revised 11-22-13.)

25 Section 745. The Illinois Parentage Act of 1984 is amended

1 by changing Section 15 as follows:

2 (750 ILCS 45/15) (from Ch. 40, par. 2515)

3 Sec. 15. Enforcement of Judgment or Order.

4 (a) If existence of the parent and child relationship is
5 declared, or paternity or duty of support has been established
6 under this Act or under prior law or under the law of any other
7 jurisdiction, the judgment rendered thereunder may be enforced
8 in the same or other proceedings by any party or any person or
9 agency that has furnished or may furnish financial assistance
10 or services to the child. The Income Withholding for Support
11 Act and Sections 14 and 16 of this Act shall also be applicable
12 with respect to entry, modification and enforcement of any
13 support judgment entered under provisions of the "Paternity
14 Act", approved July 5, 1957, as amended, repealed July 1, 1985.

15 (b) Failure to comply with any order of the court shall be
16 punishable as contempt as in other cases of failure to comply
17 under the "Illinois Marriage and Dissolution of Marriage Act",
18 as now or hereafter amended. In addition to other penalties
19 provided by law, the court may, after finding the party guilty
20 of contempt, order that the party be:

21 (1) Placed on probation with such conditions of
22 probation as the court deems advisable;

23 (2) Sentenced to periodic imprisonment for a period not
24 to exceed 6 months. However, the court may permit the party
25 to be released for periods of time during the day or night

1 to work or conduct business or other self-employed
2 occupation. The court may further order any part of all the
3 earnings of a party during a sentence of periodic
4 imprisonment to be paid to the Clerk of the Circuit Court
5 or to the person or parent having custody of the minor
6 child for the support of said child until further order of
7 the court.

8 (c) ~~(2.5)~~ The court may also pierce the ownership veil of a
9 person, persons, or business entity to discover assets of a
10 non-custodial parent held in the name of that person, those
11 persons, or that business entity if there is a unity of
12 interest and ownership sufficient to render no financial
13 separation between the non-custodial parent and that person,
14 those persons, or the business entity. The following
15 circumstances are sufficient for a court to order discovery of
16 the assets of a person, persons, or business entity and to
17 compel the application of any discovered assets toward payment
18 on the judgment for support:

19 (1) The ~~(A)~~ the non-custodial parent and the person,
20 persons, or business entity maintain records together.

21 (2) The ~~(B)~~ the non-custodial parent and the person,
22 persons, or business entity fail to maintain an arms length
23 relationship between themselves with regard to any assets.

24 (3) The ~~(C)~~ the non-custodial parent transfers assets
25 to the person, persons, or business entity with the intent
26 to perpetrate a fraud on the custodial parent.

1 With respect to assets which are real property, no order
2 entered under this subsection (c) ~~subdivision (2.5)~~ shall
3 affect the rights of bona fide purchasers, mortgagees, judgment
4 creditors, or other lien holders who acquire their interests in
5 the property prior to the time a notice of lis pendens pursuant
6 to the Code of Civil Procedure or a copy of the order is placed
7 of record in the office of the recorder of deeds for the county
8 in which the real property is located.

9 (d) ~~(3)~~ The court may also order that, in cases where the
10 party is 90 days or more delinquent in payment of support or
11 has been adjudicated in arrears in an amount equal to 90 days
12 obligation or more, ~~that~~ the party's Illinois driving
13 privileges be suspended until the court determines that the
14 party is in compliance with the judgement or duty of support.
15 The court may also order that the parent be issued a family
16 financial responsibility driving permit that would allow
17 limited driving privileges for employment and medical purposes
18 in accordance with Section 7-702.1 of the Illinois Vehicle
19 Code. The clerk of the circuit court shall certify the order
20 suspending the driving privileges of the parent or granting the
21 issuance of a family financial responsibility driving permit to
22 the Secretary of State on forms prescribed by the Secretary.
23 Upon receipt of the authenticated documents, the Secretary of
24 State shall suspend the party's driving privileges until
25 further order of the court and shall, if ordered by the court,
26 subject to the provisions of Section 7-702.1 of the Illinois

1 Vehicle Code, issue a family financial responsibility driving
2 permit to the parent.

3 (e) In addition to the penalties or punishment that may be
4 imposed under this Section, any person whose conduct
5 constitutes a violation of Section 15 of the Non-Support
6 Punishment Act may be prosecuted under that Act, and a person
7 convicted under that Act may be sentenced in accordance with
8 that Act. The sentence may include but need not be limited to a
9 requirement that the person perform community service under
10 Section 50 of that Act or participate in a work alternative
11 program under Section 50 of that Act. A person may not be
12 required to participate in a work alternative program under
13 Section 50 of that Act if the person is currently participating
14 in a work program pursuant to Section 15.1 of this Act.

15 (f) ~~(b-5)~~ If a party who is found guilty of contempt for a
16 failure to comply with an order to pay support is a person who
17 conducts a business or who is self-employed, the court may in
18 addition to other penalties provided by law order that the
19 party do one or more of the following: (i) provide to the court
20 monthly financial statements showing income and expenses from
21 the business or the self-employment; (ii) seek employment and
22 report periodically to the court with a diary, listing, or
23 other memorandum of his or her employment search efforts; or
24 (iii) report to the Department of Employment Security for job
25 search services to find employment that will be subject to
26 withholding of child support.

1 (g) ~~(e)~~ In any post-judgment proceeding to enforce or
2 modify the judgment the parties shall continue to be designated
3 as in the original proceeding.

4 (Source: P.A. 97-1029, eff. 1-1-13; revised 11-22-13.)

5 Section 750. The Adoption Act is amended by changing
6 Section 1 as follows:

7 (750 ILCS 50/1) (from Ch. 40, par. 1501)

8 Sec. 1. Definitions. When used in this Act, unless the
9 context otherwise requires:

10 A. "Child" means a person under legal age subject to
11 adoption under this Act.

12 B. "Related child" means a child subject to adoption where
13 either or both of the adopting parents stands in any of the
14 following relationships to the child by blood or marriage:
15 parent, grand-parent, brother, sister, step-parent,
16 step-grandparent, step-brother, step-sister, uncle, aunt,
17 great-uncle, great-aunt, or cousin of first degree. A child
18 whose parent has executed a final irrevocable consent to
19 adoption or a final irrevocable surrender for purposes of
20 adoption, or whose parent has had his or her parental rights
21 terminated, is not a related child to that person, unless the
22 consent is determined to be void or is void pursuant to
23 subsection O of Section 10.

24 C. "Agency" for the purpose of this Act means a public

1 child welfare agency or a licensed child welfare agency.

2 D. "Unfit person" means any person whom the court shall
3 find to be unfit to have a child, without regard to the
4 likelihood that the child will be placed for adoption. The
5 grounds of unfitness are any one or more of the following,
6 except that a person shall not be considered an unfit person
7 for the sole reason that the person has relinquished a child in
8 accordance with the Abandoned Newborn Infant Protection Act:

9 (a) Abandonment of the child.

10 (a-1) Abandonment of a newborn infant in a hospital.

11 (a-2) Abandonment of a newborn infant in any setting
12 where the evidence suggests that the parent intended to
13 relinquish his or her parental rights.

14 (b) Failure to maintain a reasonable degree of
15 interest, concern or responsibility as to the child's
16 welfare.

17 (c) Desertion of the child for more than 3 months next
18 preceding the commencement of the Adoption proceeding.

19 (d) Substantial neglect of the child if continuous or
20 repeated.

21 (d-1) Substantial neglect, if continuous or repeated,
22 of any child residing in the household which resulted in
23 the death of that child.

24 (e) Extreme or repeated cruelty to the child.

25 (f) There is a rebuttable presumption, which can be
26 overcome only by clear and convincing evidence, that a

1 parent is unfit if:

2 (1) Two or more findings of physical abuse have
3 been entered regarding any children under Section 2-21
4 of the Juvenile Court Act of 1987, the most recent of
5 which was determined by the juvenile court hearing the
6 matter to be supported by clear and convincing
7 evidence; or

8 (2) The parent has been convicted or found not
9 guilty by reason of insanity and the conviction or
10 finding resulted from the death of any child by
11 physical abuse; or

12 (3) There is a finding of physical child abuse
13 resulting from the death of any child under Section
14 2-21 of the Juvenile Court Act of 1987.

15 No conviction or finding of delinquency pursuant
16 to Article V ~~5~~ of the Juvenile Court Act of 1987 shall
17 be considered a criminal conviction for the purpose of
18 applying any presumption under this item (f).

19 (g) Failure to protect the child from conditions within
20 his environment injurious to the child's welfare.

21 (h) Other neglect of, or misconduct toward the child;
22 provided that in making a finding of unfitness the court
23 hearing the adoption proceeding shall not be bound by any
24 previous finding, order or judgment affecting or
25 determining the rights of the parents toward the child
26 sought to be adopted in any other proceeding except such

1 proceedings terminating parental rights as shall be had
2 under either this Act, the Juvenile Court Act or the
3 Juvenile Court Act of 1987.

4 (i) Depravity. Conviction of any one of the following
5 crimes shall create a presumption that a parent is deprived
6 which can be overcome only by clear and convincing
7 evidence: (1) first degree murder in violation of paragraph
8 1 or 2 of subsection (a) of Section 9-1 of the Criminal
9 Code of 1961 or the Criminal Code of 2012 or conviction of
10 second degree murder in violation of subsection (a) of
11 Section 9-2 of the Criminal Code of 1961 or the Criminal
12 Code of 2012 of a parent of the child to be adopted; (2)
13 first degree murder or second degree murder of any child in
14 violation of the Criminal Code of 1961 or the Criminal Code
15 of 2012; (3) attempt or conspiracy to commit first degree
16 murder or second degree murder of any child in violation of
17 the Criminal Code of 1961 or the Criminal Code of 2012; (4)
18 solicitation to commit murder of any child, solicitation to
19 commit murder of any child for hire, or solicitation to
20 commit second degree murder of any child in violation of
21 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
22 predatory criminal sexual assault of a child in violation
23 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961
24 or the Criminal Code of 2012; (6) heinous battery of any
25 child in violation of the Criminal Code of 1961; or (7)
26 aggravated battery of any child in violation of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 There is a rebuttable presumption that a parent is
3 deprived if the parent has been criminally convicted of at
4 least 3 felonies under the laws of this State or any other
5 state, or under federal law, or the criminal laws of any
6 United States territory; and at least one of these
7 convictions took place within 5 years of the filing of the
8 petition or motion seeking termination of parental rights.

9 There is a rebuttable presumption that a parent is
10 deprived if that parent has been criminally convicted of
11 either first or second degree murder of any person as
12 defined in the Criminal Code of 1961 or the Criminal Code
13 of 2012 within 10 years of the filing date of the petition
14 or motion to terminate parental rights.

15 No conviction or finding of delinquency pursuant to
16 Article 5 of the Juvenile Court Act of 1987 shall be
17 considered a criminal conviction for the purpose of
18 applying any presumption under this item (i).

19 (j) Open and notorious adultery or fornication.

20 (j-1) (Blank).

21 (k) Habitual drunkenness or addiction to drugs, other
22 than those prescribed by a physician, for at least one year
23 immediately prior to the commencement of the unfitness
24 proceeding.

25 There is a rebuttable presumption that a parent is
26 unfit under this subsection with respect to any child to

1 which that parent gives birth where there is a confirmed
2 test result that at birth the child's blood, urine, or
3 meconium contained any amount of a controlled substance as
4 defined in subsection (f) of Section 102 of the Illinois
5 Controlled Substances Act or metabolites of such
6 substances, the presence of which in the newborn infant was
7 not the result of medical treatment administered to the
8 mother or the newborn infant; and the biological mother of
9 this child is the biological mother of at least one other
10 child who was adjudicated a neglected minor under
11 subsection (c) of Section 2-3 of the Juvenile Court Act of
12 1987.

13 (l) Failure to demonstrate a reasonable degree of
14 interest, concern or responsibility as to the welfare of a
15 new born child during the first 30 days after its birth.

16 (m) Failure by a parent (i) to make reasonable efforts
17 to correct the conditions that were the basis for the
18 removal of the child from the parent during any 9-month
19 period following the adjudication of neglected or abused
20 minor under Section 2-3 of the Juvenile Court Act of 1987
21 or dependent minor under Section 2-4 of that Act, or (ii)
22 to make reasonable progress toward the return of the child
23 to the parent during any 9-month period following the
24 adjudication of neglected or abused minor under Section 2-3
25 of the Juvenile Court Act of 1987 or dependent minor under
26 Section 2-4 of that Act. If a service plan has been

1 established as required under Section 8.2 of the Abused and
2 Neglected Child Reporting Act to correct the conditions
3 that were the basis for the removal of the child from the
4 parent and if those services were available, then, for
5 purposes of this Act, "failure to make reasonable progress
6 toward the return of the child to the parent" includes the
7 parent's failure to substantially fulfill his or her
8 obligations under the service plan and correct the
9 conditions that brought the child into care during any
10 9-month period following the adjudication under Section
11 2-3 or 2-4 of the Juvenile Court Act of 1987.
12 Notwithstanding any other provision, when a petition or
13 motion seeks to terminate parental rights on the basis of
14 item (ii) of this subsection (m), the petitioner shall file
15 with the court and serve on the parties a pleading that
16 specifies the 9-month period or periods relied on. The
17 pleading shall be filed and served on the parties no later
18 than 3 weeks before the date set by the court for closure
19 of discovery, and the allegations in the pleading shall be
20 treated as incorporated into the petition or motion.
21 Failure of a respondent to file a written denial of the
22 allegations in the pleading shall not be treated as an
23 admission that the allegations are true.

24 (m-1) Pursuant to the Juvenile Court Act of 1987, a
25 child has been in foster care for 15 months out of any 22
26 month period which begins on or after the effective date of

1 this amendatory Act of 1998 unless the child's parent can
2 prove by a preponderance of the evidence that it is more
3 likely than not that it will be in the best interests of
4 the child to be returned to the parent within 6 months of
5 the date on which a petition for termination of parental
6 rights is filed under the Juvenile Court Act of 1987. The
7 15 month time limit is tolled during any period for which
8 there is a court finding that the appointed custodian or
9 guardian failed to make reasonable efforts to reunify the
10 child with his or her family, provided that (i) the finding
11 of no reasonable efforts is made within 60 days of the
12 period when reasonable efforts were not made or (ii) the
13 parent filed a motion requesting a finding of no reasonable
14 efforts within 60 days of the period when reasonable
15 efforts were not made. For purposes of this subdivision
16 (m-1), the date of entering foster care is the earlier of:
17 (i) the date of a judicial finding at an adjudicatory
18 hearing that the child is an abused, neglected, or
19 dependent minor; or (ii) 60 days after the date on which
20 the child is removed from his or her parent, guardian, or
21 legal custodian.

22 (n) Evidence of intent to forgo his or her parental
23 rights, whether or not the child is a ward of the court,
24 (1) as manifested by his or her failure for a period of 12
25 months: (i) to visit the child, (ii) to communicate with
26 the child or agency, although able to do so and not

1 prevented from doing so by an agency or by court order, or
2 (iii) to maintain contact with or plan for the future of
3 the child, although physically able to do so, or (2) as
4 manifested by the father's failure, where he and the mother
5 of the child were unmarried to each other at the time of
6 the child's birth, (i) to commence legal proceedings to
7 establish his paternity under the Illinois Parentage Act of
8 1984 or the law of the jurisdiction of the child's birth
9 within 30 days of being informed, pursuant to Section 12a
10 of this Act, that he is the father or the likely father of
11 the child or, after being so informed where the child is
12 not yet born, within 30 days of the child's birth, or (ii)
13 to make a good faith effort to pay a reasonable amount of
14 the expenses related to the birth of the child and to
15 provide a reasonable amount for the financial support of
16 the child, the court to consider in its determination all
17 relevant circumstances, including the financial condition
18 of both parents; provided that the ground for termination
19 provided in this subparagraph (n)(2)(ii) shall only be
20 available where the petition is brought by the mother or
21 the husband of the mother.

22 Contact or communication by a parent with his or her
23 child that does not demonstrate affection and concern does
24 not constitute reasonable contact and planning under
25 subdivision (n). In the absence of evidence to the
26 contrary, the ability to visit, communicate, maintain

1 contact, pay expenses and plan for the future shall be
2 presumed. The subjective intent of the parent, whether
3 expressed or otherwise, unsupported by evidence of the
4 foregoing parental acts manifesting that intent, shall not
5 preclude a determination that the parent has intended to
6 forgo his or her parental rights. In making this
7 determination, the court may consider but shall not require
8 a showing of diligent efforts by an authorized agency to
9 encourage the parent to perform the acts specified in
10 subdivision (n).

11 It shall be an affirmative defense to any allegation
12 under paragraph (2) of this subsection that the father's
13 failure was due to circumstances beyond his control or to
14 impediments created by the mother or any other person
15 having legal custody. Proof of that fact need only be by a
16 preponderance of the evidence.

17 (o) Repeated or continuous failure by the parents,
18 although physically and financially able, to provide the
19 child with adequate food, clothing, or shelter.

20 (p) Inability to discharge parental responsibilities
21 supported by competent evidence from a psychiatrist,
22 licensed clinical social worker, or clinical psychologist
23 of mental impairment, mental illness or an intellectual
24 disability as defined in Section 1-116 of the Mental Health
25 and Developmental Disabilities Code, or developmental
26 disability as defined in Section 1-106 of that Code, and

1 there is sufficient justification to believe that the
2 inability to discharge parental responsibilities shall
3 extend beyond a reasonable time period. However, this
4 subdivision (p) shall not be construed so as to permit a
5 licensed clinical social worker to conduct any medical
6 diagnosis to determine mental illness or mental
7 impairment.

8 (q) (Blank).

9 (r) The child is in the temporary custody or
10 guardianship of the Department of Children and Family
11 Services, the parent is incarcerated as a result of
12 criminal conviction at the time the petition or motion for
13 termination of parental rights is filed, prior to
14 incarceration the parent had little or no contact with the
15 child or provided little or no support for the child, and
16 the parent's incarceration will prevent the parent from
17 discharging his or her parental responsibilities for the
18 child for a period in excess of 2 years after the filing of
19 the petition or motion for termination of parental rights.

20 (s) The child is in the temporary custody or
21 guardianship of the Department of Children and Family
22 Services, the parent is incarcerated at the time the
23 petition or motion for termination of parental rights is
24 filed, the parent has been repeatedly incarcerated as a
25 result of criminal convictions, and the parent's repeated
26 incarceration has prevented the parent from discharging

1 his or her parental responsibilities for the child.

2 (t) A finding that at birth the child's blood, urine,
3 or meconium contained any amount of a controlled substance
4 as defined in subsection (f) of Section 102 of the Illinois
5 Controlled Substances Act, or a metabolite of a controlled
6 substance, with the exception of controlled substances or
7 metabolites of such substances, the presence of which in
8 the newborn infant was the result of medical treatment
9 administered to the mother or the newborn infant, and that
10 the biological mother of this child is the biological
11 mother of at least one other child who was adjudicated a
12 neglected minor under subsection (c) of Section 2-3 of the
13 Juvenile Court Act of 1987, after which the biological
14 mother had the opportunity to enroll in and participate in
15 a clinically appropriate substance abuse counseling,
16 treatment, and rehabilitation program.

17 E. "Parent" means the father or mother of a lawful child of
18 the parties or child born out of wedlock. For the purpose of
19 this Act, a person who has executed a final and irrevocable
20 consent to adoption or a final and irrevocable surrender for
21 purposes of adoption, or whose parental rights have been
22 terminated by a court, is not a parent of the child who was the
23 subject of the consent or surrender, unless the consent is void
24 pursuant to subsection O of Section 10.

25 F. A person is available for adoption when the person is:

26 (a) a child who has been surrendered for adoption to an

1 agency and to whose adoption the agency has thereafter
2 consented;

3 (b) a child to whose adoption a person authorized by
4 law, other than his parents, has consented, or to whose
5 adoption no consent is required pursuant to Section 8 of
6 this Act;

7 (c) a child who is in the custody of persons who intend
8 to adopt him through placement made by his parents;

9 (c-1) a child for whom a parent has signed a specific
10 consent pursuant to subsection O of Section 10;

11 (d) an adult who meets the conditions set forth in
12 Section 3 of this Act; or

13 (e) a child who has been relinquished as defined in
14 Section 10 of the Abandoned Newborn Infant Protection Act.

15 A person who would otherwise be available for adoption
16 shall not be deemed unavailable for adoption solely by reason
17 of his or her death.

18 G. The singular includes the plural and the plural includes
19 the singular and the "male" includes the "female", as the
20 context of this Act may require.

21 H. "Adoption disruption" occurs when an adoptive placement
22 does not prove successful and it becomes necessary for the
23 child to be removed from placement before the adoption is
24 finalized.

25 I. "Habitual residence" has the meaning ascribed to it in
26 the federal Intercountry Adoption Act of 2000 and regulations

1 promulgated thereunder.

2 J. "Immediate relatives" means the biological parents, the
3 parents of the biological parents and siblings of the
4 biological parents.

5 K. "Intercountry adoption" is a process by which a child
6 from a country other than the United States is adopted by
7 persons who are habitual residents of the United States, or the
8 child is a habitual resident of the United States who is
9 adopted by persons who are habitual residents of a country
10 other than the United States.

11 L. "Intercountry Adoption Coordinator" means a staff
12 person of the Department of Children and Family Services
13 appointed by the Director to coordinate the provision of
14 services related to an intercountry adoption.

15 M. "Interstate Compact on the Placement of Children" is a
16 law enacted by all states and certain territories for the
17 purpose of establishing uniform procedures for handling the
18 interstate placement of children in foster homes, adoptive
19 homes, or other child care facilities.

20 N. (Blank).

21 O. "Preadoption requirements" means any conditions or
22 standards established by the laws or administrative rules of
23 this State that must be met by a prospective adoptive parent
24 prior to the placement of a child in an adoptive home.

25 P. "Abused child" means a child whose parent or immediate
26 family member, or any person responsible for the child's

1 welfare, or any individual residing in the same home as the
2 child, or a paramour of the child's parent:

3 (a) inflicts, causes to be inflicted, or allows to be
4 inflicted upon the child physical injury, by other than
5 accidental means, that causes death, disfigurement,
6 impairment of physical or emotional health, or loss or
7 impairment of any bodily function;

8 (b) creates a substantial risk of physical injury to
9 the child by other than accidental means which would be
10 likely to cause death, disfigurement, impairment of
11 physical or emotional health, or loss or impairment of any
12 bodily function;

13 (c) commits or allows to be committed any sex offense
14 against the child, as sex offenses are defined in the
15 Criminal Code of 2012 and extending those definitions of
16 sex offenses to include children under 18 years of age;

17 (d) commits or allows to be committed an act or acts of
18 torture upon the child; or

19 (e) inflicts excessive corporal punishment.

20 Q. "Neglected child" means any child whose parent or other
21 person responsible for the child's welfare withholds or denies
22 nourishment or medically indicated treatment including food or
23 care denied solely on the basis of the present or anticipated
24 mental or physical impairment as determined by a physician
25 acting alone or in consultation with other physicians or
26 otherwise does not provide the proper or necessary support,

1 education as required by law, or medical or other remedial care
2 recognized under State law as necessary for a child's
3 well-being, or other care necessary for his or her well-being,
4 including adequate food, clothing and shelter; or who is
5 abandoned by his or her parents or other person responsible for
6 the child's welfare.

7 A child shall not be considered neglected or abused for the
8 sole reason that the child's parent or other person responsible
9 for his or her welfare depends upon spiritual means through
10 prayer alone for the treatment or cure of disease or remedial
11 care as provided under Section 4 of the Abused and Neglected
12 Child Reporting Act. A child shall not be considered neglected
13 or abused for the sole reason that the child's parent or other
14 person responsible for the child's welfare failed to vaccinate,
15 delayed vaccination, or refused vaccination for the child due
16 to a waiver on religious or medical grounds as permitted by
17 law.

18 R. "Putative father" means a man who may be a child's
19 father, but who (1) is not married to the child's mother on or
20 before the date that the child was or is to be born and (2) has
21 not established paternity of the child in a court proceeding
22 before the filing of a petition for the adoption of the child.
23 The term includes a male who is less than 18 years of age.
24 "Putative father" does not mean a man who is the child's father
25 as a result of criminal sexual abuse or assault as defined
26 under Article 11 of the Criminal Code of 2012.

1 S. "Standby adoption" means an adoption in which a parent
2 consents to custody and termination of parental rights to
3 become effective upon the occurrence of a future event, which
4 is either the death of the parent or the request of the parent
5 for the entry of a final judgment of adoption.

6 T. (Blank).

7 U. "Interstate adoption" means the placement of a minor
8 child with a prospective adoptive parent for the purpose of
9 pursuing an adoption for that child that is subject to the
10 provisions of the Interstate Compact on Placement of Children.

11 V. "Endorsement letter" means the letter issued by the
12 Department of Children and Family Services to document that a
13 prospective adoptive parent has met preadoption requirements
14 and has been deemed suitable by the Department to adopt a child
15 who is the subject of an intercountry adoption.

16 W. "Denial letter" means the letter issued by the
17 Department of Children and Family Services to document that a
18 prospective adoptive parent has not met preadoption
19 requirements and has not been deemed suitable by the Department
20 to adopt a child who is the subject of an intercountry
21 adoption.

22 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;
23 97-1150, eff. 1-25-13; 98-455, eff. 1-1-14; 98-532, eff.
24 1-1-14; revised 9-24-13.)

25 Section 755. The Illinois Religious Freedom Protection and

1 Civil Union Act is amended by changing Section 25 as follows:

2 (750 ILCS 75/25)

3 Sec. 25. Prohibited civil unions. The following civil
4 unions are prohibited:

5 (1) a civil union entered into prior to both parties
6 attaining 18 years of age;

7 (2) a civil union entered into prior to the dissolution
8 of a marriage or civil union or substantially similar legal
9 relationship of one of the parties;

10 (3) a civil union between an ancestor and a descendant
11 ~~descendent~~ or between siblings whether the relationship is
12 by the half or the whole blood or by adoption;

13 (4) a civil union between an aunt or uncle and a niece
14 or nephew, whether the relationship is by the half or the
15 whole blood or by adoption; and

16 (5) a civil union between first cousins.

17 (Source: P.A. 96-1513, eff. 6-1-11; revised 11-22-13.)

18 Section 760. The Probate Act of 1975 is amended by changing
19 Sections 11a-10 and 11a-23 as follows:

20 (755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)

21 Sec. 11a-10. Procedures preliminary to hearing.

22 (a) Upon the filing of a petition pursuant to Section
23 11a-8, the court shall set a date and place for hearing to take

1 place within 30 days. The court shall appoint a guardian ad
2 litem to report to the court concerning the respondent's best
3 interests consistent with the provisions of this Section,
4 except that the appointment of a guardian ad litem shall not be
5 required when the court determines that such appointment is not
6 necessary for the protection of the respondent or a reasonably
7 informed decision on the petition. If the guardian ad litem is
8 not a licensed attorney, he or she shall be qualified, by
9 training or experience, to work with or advocate for the
10 developmentally disabled, mentally ill, physically disabled,
11 the elderly, or persons disabled because of mental
12 deterioration, depending on the type of disability that is
13 alleged in the petition. The court may allow the guardian ad
14 litem reasonable compensation. The guardian ad litem may
15 consult with a person who by training or experience is
16 qualified to work with persons with a developmental disability,
17 persons with mental illness, or physically disabled persons, or
18 persons disabled because of mental deterioration, depending on
19 the type of disability that is alleged. The guardian ad litem
20 shall personally observe the respondent prior to the hearing
21 and shall inform him orally and in writing of the contents of
22 the petition and of his rights under Section 11a-11. The
23 guardian ad litem shall also attempt to elicit the respondent's
24 position concerning the adjudication of disability, the
25 proposed guardian, a proposed change in residential placement,
26 changes in care that might result from the guardianship, and

1 other areas of inquiry deemed appropriate by the court.
2 Notwithstanding any provision in the Mental Health and
3 Developmental Disabilities Confidentiality Act or any other
4 law, a guardian ad litem shall have the right to inspect and
5 copy any medical or mental health record of the respondent
6 which the guardian ad litem deems necessary, provided that the
7 information so disclosed shall not be utilized for any other
8 purpose nor be redisclosed except in connection with the
9 proceedings. At or before the hearing, the guardian ad litem
10 shall file a written report detailing his or her observations
11 of the respondent, the responses of the respondent to any of
12 the inquires detailed in this Section, the opinion of the
13 guardian ad litem or other professionals with whom the guardian
14 ad litem consulted concerning the appropriateness of
15 guardianship, and any other material issue discovered by the
16 guardian ad litem. The guardian ad litem shall appear at the
17 hearing and testify as to any issues presented in his or her
18 report.

19 (b) The court (1) may appoint counsel for the respondent,
20 if the court finds that the interests of the respondent will be
21 best served by the appointment, and (2) shall appoint counsel
22 upon respondent's request or if the respondent takes a position
23 adverse to that of the guardian ad litem. The respondent shall
24 be permitted to obtain the appointment of counsel either at the
25 hearing or by any written or oral request communicated to the
26 court prior to the hearing. The summons shall inform the

1 respondent of this right to obtain appointed counsel. The court
2 may allow counsel for the respondent reasonable compensation.

3 (c) If the respondent is unable to pay the fee of the
4 guardian ad litem or appointed counsel, or both, the court may
5 enter an order for the petitioner to pay all such fees or such
6 amounts as the respondent or the respondent's estate may be
7 unable to pay. However, in cases where the Office of State
8 Guardian is the petitioner, consistent with Section 30 of the
9 Guardianship and Advocacy Act, where the public guardian is the
10 petitioner, consistent with Section 13-5 of the Probate Act of
11 1975, where an adult protective services agency is the
12 petitioner, pursuant to Section 9 of the Adult Protective
13 Services Act, or where the Department of Children and Family
14 Services is the petitioner under subparagraph (d) of subsection
15 (1) of Section 2-27 of the Juvenile Court Act of 1987, no
16 guardian ad litem or legal fees shall be assessed against the
17 Office of State Guardian, the public guardian, ~~or~~ the adult
18 protective services agency, or the Department of Children and
19 Family Services.

20 (d) The hearing may be held at such convenient place as the
21 court directs, including at a facility in which the respondent
22 resides.

23 (e) Unless he is the petitioner, the respondent shall be
24 personally served with a copy of the petition and a summons not
25 less than 14 days before the hearing. The summons shall be
26 printed in large, bold type and shall include the following

1 notice:

2 NOTICE OF RIGHTS OF RESPONDENT

3 You have been named as a respondent in a guardianship
4 petition asking that you be declared a disabled person. If the
5 court grants the petition, a guardian will be appointed for
6 you. A copy of the guardianship petition is attached for your
7 convenience.

8 The date and time of the hearing are:

9 The place where the hearing will occur is:

10 The Judge's name and phone number is:

11 If a guardian is appointed for you, the guardian may be
12 given the right to make all important personal decisions for
13 you, such as where you may live, what medical treatment you may
14 receive, what places you may visit, and who may visit you. A
15 guardian may also be given the right to control and manage your
16 money and other property, including your home, if you own one.
17 You may lose the right to make these decisions for yourself.

18 You have the following legal rights:

19 (1) You have the right to be present at the court
20 hearing.

21 (2) You have the right to be represented by a lawyer,
22 either one that you retain, or one appointed by the Judge.

23 (3) You have the right to ask for a jury of six persons
24 to hear your case.

25 (4) You have the right to present evidence to the court
26 and to confront and cross-examine witnesses.

1 (5) You have the right to ask the Judge to appoint an
2 independent expert to examine you and give an opinion about
3 your need for a guardian.

4 (6) You have the right to ask that the court hearing be
5 closed to the public.

6 (7) You have the right to tell the court whom you
7 prefer to have for your guardian.

8 You do not have to attend the court hearing if you do not
9 want to be there. If you do not attend, the Judge may appoint a
10 guardian if the Judge finds that a guardian would be of benefit
11 to you. The hearing will not be postponed or canceled if you do
12 not attend.

13 IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO
14 NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE
15 PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN.
16 IF YOU DO NOT WANT A GUARDIAN OR IF YOU HAVE ANY OTHER
17 PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND
18 TELL THE JUDGE.

19 Service of summons and the petition may be made by a
20 private person 18 years of age or over who is not a party to the
21 action.

22 (f) Notice of the time and place of the hearing shall be
23 given by the petitioner by mail or in person to those persons,
24 including the proposed guardian, whose names and addresses
25 appear in the petition and who do not waive notice, not less
26 than 14 days before the hearing.

1 (Source: P.A. 97-375, eff. 8-15-11; 97-1095, eff. 8-24-12;
2 98-49, eff. 7-1-13; 98-89, eff. 7-15-13; revised 9-24-13.)

3 (755 ILCS 5/11a-23)

4 Sec. 11a-23. Reliance on authority of guardian, standby
5 guardian, short-term guardian.

6 (a) For the purpose of this Section, "guardian", "standby
7 guardian", and "short-term guardian" includes temporary,
8 plenary, or limited guardians of all wards.

9 (b) Every health care provider and other person (reliant)
10 has the right to rely on any decision or direction made by the
11 guardian, standby guardian, or short-term guardian that is not
12 clearly contrary to the law, to the same extent and with the
13 same effect as though the decision or direction had been made
14 or given by the ward. Any person dealing with the guardian,
15 standby guardian, or short-term guardian may presume in the
16 absence of actual knowledge to the contrary that the acts of
17 the guardian, standby guardian, or short-term guardian conform
18 to the provisions of the law. A reliant shall not be protected
19 if the reliant has actual knowledge that the guardian, standby
20 guardian, or short-term guardian is not entitled to act or that
21 any particular action or inaction is contrary to the provisions
22 of the law.

23 (c) A health care provider (provider) who relies on and
24 carries out a guardian's, standby guardian's, or short-term
25 guardian's directions and who acts with due care and in

1 accordance with the law shall not be subject to any claim based
2 on lack of consent, or to criminal prosecution, or to
3 discipline for unprofessional conduct. Nothing in this Section
4 shall be deemed to protect a provider from liability for the
5 provider's own negligence in the performance of the provider's
6 duties or in carrying out any instructions of the guardian,
7 standby guardian, or short-term guardian, and nothing in this
8 Section shall be deemed to alter the law of negligence as it
9 applies to the acts of any guardian or provider.

10 (d) A guardian, standby guardian, or short-term ~~short-term~~
11 guardian, who acts or refrains from acting is not subject to
12 criminal prosecution or any claim based upon lack of his or her
13 authority or failure to act, if the act or failure to act was
14 with due care and in accordance with law. The guardian, standby
15 guardian, or short-term ~~short-term~~ guardian, shall not be
16 liable merely because he or she may benefit from the act, has
17 individual or conflicting interests in relation to the care and
18 affairs of the ward, or acts in a different manner with respect
19 to the guardian's, standby guardian's, or short-term
20 guardian's own care or interests.

21 (Source: P.A. 89-438, eff. 12-15-95; 90-796, eff. 12-15-98;
22 revised 11-22-13.)

23 Section 765. The Illinois Power of Attorney Act is amended
24 by changing Sections 2-7 and 2-10 as follows:

1 (755 ILCS 45/2-7) (from Ch. 110 1/2, par. 802-7)

2 Sec. 2-7. Duty - standard of care - record-keeping -
3 exoneration.

4 (a) The agent shall be under no duty to exercise the powers
5 granted by the agency or to assume control of or responsibility
6 for any of the principal's property, care or affairs,
7 regardless of the principal's physical or mental condition.
8 Whenever a power is exercised, the agent shall act in good
9 faith for the benefit of the principal using due care,
10 competence, and diligence in accordance with the terms of the
11 agency and shall be liable for negligent exercise. An agent who
12 acts with due care for the benefit of the principal shall not
13 be liable or limited merely because the agent also benefits
14 from the act, has individual or conflicting interests in
15 relation to the property, care or affairs of the principal or
16 acts in a different manner with respect to the agency and the
17 agent's individual interests. The agent shall not be affected
18 by any amendment or termination of the agency until the agent
19 has actual knowledge thereof. The agent shall not be liable for
20 any loss due to error of judgment nor for the act or default of
21 any other person.

22 (b) An agent that has accepted appointment must act in
23 accordance with the principal's expectations to the extent
24 actually known to the agent and otherwise in the principal's
25 best interests.

26 (c) An agent shall keep a record of all receipts,

1 disbursements, and significant actions taken under the
2 authority of the agency and shall provide a copy of this record
3 when requested to do so by:

4 (1) the principal, a guardian, another fiduciary
5 acting on behalf of the principal, and, after the death of
6 the principal, the personal representative or successors
7 in interest of the principal's estate;

8 (2) a representative of a provider agency, as defined
9 in Section 2 of the Adult Protective Services Act, acting
10 in the course of an assessment of a complaint of elder
11 abuse or neglect under that Act;

12 (3) a representative of the Office of the State Long
13 Term Care Ombudsman, acting in the course of an
14 investigation of a complaint of financial exploitation of a
15 nursing home resident under Section 4.04 of the Illinois
16 Act on the Aging;

17 (4) a representative of the Office of Inspector General
18 for the Department of Human Services, acting in the course
19 of an assessment of a complaint of financial exploitation
20 of an adult with disabilities pursuant to Section 35 of the
21 Abuse of Adults with Disabilities Intervention Act;

22 (5) a court under Section 2-10 of this Act; or

23 (6) a representative of the Office of State Guardian or
24 public guardian for the county in which the principal
25 resides acting in the course of investigating whether to
26 file a petition for guardianship of the principal under

1 Section 11a-4 or 11a-8 of the Probate Act of 1975.

2 (d) If the agent fails to provide his or her record of all
3 receipts, disbursements, and significant actions within 21
4 days after a request under subsection (c), the adult abuse
5 provider agency, the State Guardian, the public guardian, or
6 the State Long Term Care Ombudsman may petition the court for
7 an order requiring the agent to produce his or her record of
8 receipts, disbursements, and significant actions. If the court
9 finds that the agent's failure to provide his or her record in
10 a timely manner to the adult abuse provider agency, the State
11 Guardian, the public guardian, or the State Long Term Care
12 Ombudsman was without good cause, the court may assess
13 reasonable costs and attorney's fees against the agent, and
14 order such other relief as is appropriate.

15 (e) An agent is not required to disclose receipts,
16 disbursements, or other significant actions conducted on
17 behalf of the principal except as otherwise provided in the
18 power of attorney or as required under subsection (c).

19 (f) An agent that violates this Act is liable to the
20 principal or the principal's successors in interest for the
21 amount required (i) to restore the value of the principal's
22 property to what it would have been had the violation not
23 occurred, and (ii) to reimburse the principal or the
24 principal's successors in interest for the attorney's fees and
25 costs paid on the agent's behalf. This subsection does not
26 limit any other applicable legal or equitable remedies.

1 (Source: P.A. 98-49, eff. 7-1-13; 98-562, eff. 8-27-13; revised
2 9-24-13.)

3 (755 ILCS 45/2-10) (from Ch. 110 1/2, par. 802-10)

4 Sec. 2-10. Agency-court relationship.

5 (a) Upon petition by any interested person (including the
6 agent), with such notice to interested persons as the court
7 directs and a finding by the court that the principal lacks
8 either the capacity to control or the capacity to revoke the
9 agency, the court may construe a power of attorney, review the
10 agent's conduct, and grant appropriate relief including
11 compensatory damages.

12 (b) If the court finds that the agent is not acting for the
13 benefit of the principal in accordance with the terms of the
14 agency or that the agent's action or inaction has caused or
15 threatens substantial harm to the principal's person or
16 property in a manner not authorized or intended by the
17 principal, the court may order a guardian of the principal's
18 person or estate to exercise any powers of the principal under
19 the agency, including the power to revoke the agency, or may
20 enter such other orders without appointment of a guardian as
21 the court deems necessary to provide for the best interests of
22 the principal.

23 (c) If the court finds that the agency requires
24 interpretation, the court may construe the agency and instruct
25 the agent, but the court may not amend the agency.

1 (d) If the court finds that the agent has not acted for the
2 benefit of the principal in accordance with the terms of the
3 agency and the Illinois Power of Attorney Act, or that the
4 agent's action caused or threatened substantial harm to the
5 principal's person or property in a manner not authorized or
6 intended by the principal, then the agent shall not be
7 authorized to pay or be reimbursed from the estate of the
8 principal the attorneys' fees and costs of the agent in
9 defending a proceeding brought pursuant to this Section.

10 (e) Upon a finding that the agent's action has caused
11 substantial harm to the principal's person or property, the
12 court may assess against the agent reasonable costs and
13 attorney's fees to a prevailing party who is a provider agency
14 as defined in Section 2 of the Adult Protective Services Act, a
15 representative of the Office of the State Long Term Care
16 Ombudsman, the State Guardian, a public guardian, or a
17 governmental agency having regulatory authority to protect the
18 welfare of the principal.

19 (f) As used in this Section, the term "interested person"
20 includes (1) the principal or the agent; (2) a guardian of the
21 person, guardian of the estate, or other fiduciary charged with
22 management of the principal's property; (3) the principal's
23 spouse, parent, or descendant; (4) a person who would be a
24 presumptive heir-at-law of the principal; (5) a person named as
25 a beneficiary to receive any property, benefit, or contractual
26 right upon the principal's death, or as a beneficiary of a

1 trust created by or for the principal; (6) a provider agency as
2 defined in Section 2 of the Adult Protective Services Act, a
3 representative of the Office of the State Long Term Care
4 Ombudsman, the State Guardian, a public guardian, or a
5 governmental agency having regulatory authority to protect the
6 welfare of the principal; and (7) the principal's caregiver or
7 another person who demonstrates sufficient interest in the
8 principal's welfare.

9 (g) Absent court order directing a guardian to exercise
10 powers of the principal under the agency, a guardian will have
11 no power, duty or liability with respect to any property
12 subject to the agency or any personal or health care matters
13 covered by the agency.

14 (h) Proceedings under this Section shall be commenced in
15 the county where the guardian was appointed or, if no Illinois
16 guardian is acting, then in the county where the agent or
17 principal resides or where the principal owns real property.

18 (i) This Section shall not be construed to limit any other
19 remedies available.

20 (Source: P.A. 98-49, eff. 7-1-13; 98-562, eff. 8-27-13; revised
21 9-24-13.)

22 Section 770. The Illinois Anatomical Gift Act is amended by
23 changing Section 1-10 as follows:

24 (755 ILCS 50/1-10) (was 755 ILCS 50/2)

1 Sec. 1-10. Definitions.

2 "Close friend" means any person 18 years of age or older
3 who has exhibited special care and concern for the decedent and
4 who presents an affidavit to the decedent's attending
5 physician, or the hospital administrator or his or her
6 designated representative, stating that he or she (i) was a
7 close friend of the decedent, (ii) is willing and able to
8 authorize the donation, and (iii) maintained such regular
9 contact with the decedent as to be familiar with the decedent's
10 health and social history, and religious and moral beliefs. The
11 affidavit must also state facts and circumstances that
12 demonstrate that familiarity.

13 "Death" means, for the purposes of the Act, when, according
14 to accepted medical standards, there is (i) an irreversible
15 cessation of circulatory and respiratory functions; or (ii) an
16 irreversible cessation of all functions of the entire brain,
17 including the brain stem.

18 "Decedent" means a deceased individual and includes a
19 stillborn infant or fetus.

20 "Disinterested witness" means a witness other than the
21 spouse, child, parent, sibling, grandchild, grandparent, or
22 guardian of the individual who makes, amends, revokes, or
23 refuses to make an anatomical gift, or another adult who
24 exhibited special care and concern for the individual. The term
25 does not include a person to whom an anatomical gift could pass
26 under Section 5-12.

1 "Document of gift" means a donor card or other record used
2 to make an anatomical gift. The term includes a donor registry.

3 "Donee" means the individual designated by the donor as the
4 intended recipient or an entity which receives the anatomical
5 gift, including, but not limited to, a hospital; an accredited
6 medical school, dental school, college, or university; an organ
7 procurement organization; an eye bank; a tissue bank; for
8 research or education, a non-transplant anatomic bank; or other
9 appropriate person.

10 "Donor" means an individual whose body or part is the
11 subject of an anatomical gift.☞

12 "Hospital" means a hospital licensed, accredited or
13 approved under the laws of any state; and includes a hospital
14 operated by the United States government, a state, or a
15 subdivision thereof, although not required to be licensed under
16 state laws.

17 "Non-transplant anatomic bank" means any facility or
18 program operating or providing services in this State that is
19 accredited by the American Association of Tissue Banks and that
20 is involved in procuring, furnishing, or distributing whole
21 bodies or parts for the purpose of medical education. For
22 purposes of this Section, a non-transplant anatomic bank
23 operating under the auspices of a hospital, accredited medical
24 school, dental school, college or university, or federally
25 designated organ procurement organization is not required to be
26 accredited by the American Association of Tissue Banks.

1 "Organ" means a human kidney, liver, heart, lung, pancreas,
2 small bowel, or other transplantable vascular body part as
3 determined by the Organ Procurement and Transplantation
4 Network, as periodically selected by the U.S. Department of
5 Health and Human Services.

6 "Organ procurement organization" means the organ
7 procurement organization designated by the Secretary of the
8 U.S. Department of Health and Human Services for the service
9 area in which a hospital is located, or the organ procurement
10 organization for which the Secretary of the U.S. Department of
11 Health and Human Services has granted the hospital a waiver
12 pursuant to 42 U.S.C. 1320b-8(a).

13 "Part" means organs, tissues, eyes, bones, arteries,
14 blood, other fluids and any other portions of a human body.

15 "Person" means an individual, corporation, government or
16 governmental subdivision or agency, business trust, estate,
17 trust, partnership or association or any other legal entity.

18 "Physician" or "surgeon" means a physician or surgeon
19 licensed or authorized to practice medicine in all of its
20 branches under the laws of any state.

21 "Procurement organization" means an organ procurement
22 organization or a tissue bank.

23 "Reasonably available for the giving of consent or refusal"
24 means being able to be contacted by a procurement organization
25 without undue effort and being willing and able to act in a
26 timely manner consistent with existing medical criteria

1 necessary for the making of an anatomical gift.

2 "Recipient" means an individual into whose body a donor's
3 part has been or is intended to be transplanted.

4 "State" includes any state, district, commonwealth,
5 territory, insular possession, and any other area subject to
6 the legislative authority of the United States of America.

7 "Technician" means an individual trained and certified to
8 remove tissue, by a recognized medical training institution in
9 the State of Illinois.

10 "Tissue" means eyes, bones, heart valves, veins, skin, and
11 any other portions of a human body excluding blood, blood
12 products or organs.

13 "Tissue bank" means any facility or program operating in
14 Illinois that is accredited by the American Association of
15 Tissue Banks, the Eye Bank Association of America, or the
16 Association of Organ Procurement Organizations and is involved
17 in procuring, furnishing, donating, or distributing corneas,
18 bones, or other human tissue for the purpose of injecting,
19 transfusing, or transplanting any of them into the human body
20 or for the purpose of research or education. "Tissue bank" does
21 not include a licensed blood bank. For the purposes of this
22 Act, "tissue" does not include organs or blood or blood
23 products.

24 (Source: P.A. 98-172, eff. 1-1-14; revised 11-22-13.)

25 Section 775. The Common Interest Community Association Act

1 is amended by changing Section 1-30 as follows:

2 (765 ILCS 160/1-30)

3 Sec. 1-30. Board duties and obligations; records.

4 (a) The board shall meet at least 4 times annually.

5 (b) A common interest community association may not enter
6 into a contract with a current board member, or with a
7 corporation or partnership in which a board member or a member
8 of his or her immediate family has 25% or more interest, unless
9 notice of intent to enter into the contract is given to members
10 within 20 days after a decision is made to enter into the
11 contract and the members are afforded an opportunity by filing
12 a petition, signed by 20% of the membership, for an election to
13 approve or disapprove the contract; such petition shall be
14 filed within 20 days after such notice and such election shall
15 be held within 30 days after filing the petition. For purposes
16 of this subsection, a board member's immediate family means the
17 board member's spouse, parents, siblings, and children.

18 (c) The bylaws shall provide for the maintenance, repair,
19 and replacement of the common areas and payments therefor,
20 including the method of approving payment vouchers.

21 (d) (Blank).

22 (e) The association may engage the services of a manager or
23 management company.

24 (f) The association shall have one class of membership
25 unless the declaration or bylaws provide otherwise; however,

1 this subsection (f) shall not be construed to limit the
2 operation of subsection (c) of Section 1-20 of this Act.

3 (g) The board shall have the power, after notice and an
4 opportunity to be heard, to levy and collect reasonable fines
5 from members or unit owners for violations of the declaration,
6 bylaws, and rules and regulations of the common interest
7 community association.

8 (h) Other than attorney's fees and court or arbitration
9 costs, no fees pertaining to the collection of a member's or
10 unit owner's financial obligation to the association,
11 including fees charged by a manager or managing agent, shall be
12 added to and deemed a part of a member's or unit owner's
13 respective share of the common expenses unless: (i) the
14 managing agent fees relate to the costs to collect common
15 expenses for the association; (ii) the fees are set forth in a
16 contract between the managing agent and the association; and
17 (iii) the authority to add the management fees to a member's or
18 unit owner's respective share of the common expenses is
19 specifically stated in the declaration or bylaws of the
20 association.

21 (i) Board records.

22 (1) The board shall maintain the following records of
23 the association and make them available for examination and
24 copying at convenient hours of weekdays by any member or
25 unit owner in a common interest community subject to the
26 authority of the board, their mortgagees, and their duly

1 authorized agents or attorneys:

2 (i) Copies of the recorded declaration, other
3 community instruments, other duly recorded covenants
4 and bylaws and any amendments, articles of
5 incorporation, annual reports, and any rules and
6 regulations adopted by the board shall be available.
7 Prior to the organization of the board, the developer
8 shall maintain and make available the records set forth
9 in this paragraph (i) for examination and copying.

10 (ii) Detailed and accurate records in
11 chronological order of the receipts and expenditures
12 affecting the common areas, specifying and itemizing
13 the maintenance and repair expenses of the common areas
14 and any other expenses incurred, and copies of all
15 contracts, leases, or other agreements entered into by
16 the board shall be maintained.

17 (iii) The minutes of all meetings of the board
18 which shall be maintained for not less than 7 years.

19 (iv) With a written statement of a proper purpose,
20 ballots and proxies related thereto, if any, for any
21 election held for the board and for any other matters
22 voted on by the members, which shall be maintained for
23 not less than one year.

24 (v) With a written statement of a proper purpose,
25 such other records of the board as are available for
26 inspection by members of a not-for-profit corporation

1 pursuant to Section 107.75 of the General Not For
2 Profit Corporation Act of 1986 shall be maintained.

3 (vi) With respect to units owned by a land trust, a
4 living trust, or other legal entity, the trustee,
5 officer, or manager of the entity may designate, in
6 writing, a person to cast votes on behalf of the member
7 or unit owner and a designation shall remain in effect
8 until a subsequent document is filed with the
9 association.

10 (2) Where a request for records under this subsection
11 is made in writing to the board or its agent, failure to
12 provide the requested record or to respond within 30 days
13 shall be deemed a denial by the board.

14 (3) A reasonable fee may be charged by the board for
15 the cost of retrieving and copying records properly
16 requested.

17 (4) If the board fails to provide records properly
18 requested under paragraph (1) of this subsection (i) within
19 the time period provided in that paragraph (1), the member
20 may seek appropriate relief and shall be entitled to an
21 award of reasonable attorney's fees and costs if the member
22 prevails and the court finds that such failure is due to
23 the acts or omissions of the board of managers or the board
24 of directors.

25 (j) The board shall have standing and capacity to act in a
26 representative capacity in relation to matters involving the

1 common areas or more than one unit, on behalf of the members or
2 unit owners as their interests may appear.

3 (Source: P.A. 97-605, eff. 8-26-11; 97-1090, eff. 8-24-12;
4 98-232, eff. 1-1-14; 98-241, eff. 8-9-13; revised 9-24-13.)

5 Section 780. The Illinois Coordinate System Act is amended
6 by changing Section 3 as follows:

7 (765 ILCS 225/3) (from Ch. 133, par. 103)

8 Sec. 3. For the purpose of the use of the Illinois
9 Coordinate System, the State is divided into an "East Zone" and
10 a "West Zone".

11 The area now included in the following counties constitutes
12 the "East Zone": Boone, Champaign, Clark, Clay, Coles, Cook,
13 Crawford, Cumberland, DeKalb, DeWitt, Douglas, DuPage, Edgar,
14 Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Grundy,
15 Hamilton, Hardin, Iroquois, Jasper, Jefferson, Johnson, Kane,
16 Kankakee, Kendall, Lake, LaSalle, Lawrence, Livingston,
17 McHenry, McLean, Macon, Marion, Massac, Moultrie, Piatt, Pope,
18 Richland, Saline, Shelby, Vermilion, Wabash, Wayne, White,
19 Will and Williamson.

20 The area now included in the following counties constitutes
21 the "West Zone": Adams, Alexander, Bond, Brown, Bureau,
22 Calhoun, Carroll, Cass, Christian, Clinton, Fulton, Greene,
23 Hancock, Henderson, Henry, Jackson, Jersey, Jo Daviess
24 ~~Jo Daviess~~, Knox, Lee, Logan, McDonough, Macoupin, Madison,

1 Marshall, Mason, Menard, Mercer, Monroe, Montgomery, Morgan,
2 Ogle, Peoria, Perry, Pike, Pulaski, Putnam, Randolph, Rock
3 Island, St. Clair, Sangamon, Schuyler, Scott, Stark,
4 Stephenson, Tazewell, Union, Warren, Washington, Whiteside,
5 Winnebago and Woodford.

6 (Source: P.A. 83-742; revised 11-22-13.)

7 Section 785. The Security Deposit Return Act is amended by
8 changing Section 1.2 as follows:

9 (765 ILCS 710/1.2)

10 Sec. 1.2. Security deposit transfer. Notwithstanding
11 Section 1.1, when a lessor transfers actual possession of a
12 security deposit received from a lessee, including any
13 statutory interest that has not been paid to a lessee, to a
14 holder of the certificate of sale or deed issued pursuant to
15 that certificate or, if no certificate or deed was issued, the
16 purchaser of a foreclosed property under Article XV ~~15~~ of the
17 Code of Civil Procedure, the holder or purchaser shall be
18 liable to a lessee for the transferred security deposit,
19 including any statutory interest that has not been paid to the
20 lessee, as provided in this Act. Within 21 days after the
21 transfer of the security deposits and receipt of the name and
22 address of any lessee who paid a deposit, the holder or
23 purchaser shall post a written notice on the primary entrance
24 of each dwelling unit at the property with respect to which the

1 holder or purchaser has acquired actual possession of a
2 security deposit. The written notice shall state that the
3 holder or purchaser has acquired the security deposit paid by
4 the lessee in connection with the lessee's rental of that
5 dwelling unit.

6 (Source: P.A. 97-575, eff. 8-26-11; revised 11-22-13.)

7 Section 790. The Cemetery Protection Act is amended by
8 changing Sections 13 and 14 as follows:

9 (765 ILCS 835/13) (from Ch. 21, par. 21.6)

10 Sec. 13. In the event that, at any time within one year
11 after adjudication of abandonment, the owner or claimant of an
12 ~~a~~ interment right, entombment rights in a community mausoleum
13 or lawn crypt section, or an inurnment right in a community
14 columbarium which has been adjudged abandoned, shall contact
15 the court or the cemetery authority and pay all maintenance or
16 care charges that are due and unpaid, shall reimburse the
17 cemetery authority for the costs of suit and necessary expenses
18 incurred in the proceeding with respect to such interment
19 right, entombment rights in a community mausoleum or lawn crypt
20 section, or inurnment right in a community columbarium and
21 shall contract for its future care and maintenance, then such
22 lot, or part thereof, shall not be sold as herein provided and,
23 upon petition of the owner or claimant, the order or judgment
24 adjudging the same to have been abandoned shall be vacated as

1 to such interment right, entombment rights in a community
2 mausoleum or lawn crypt section, or inurnment right in a
3 community columbarium.

4 (Source: P.A. 94-44, eff. 6-17-05; revised 11-22-13.)

5 (765 ILCS 835/14) (from Ch. 21, par. 21.7)

6 Sec. 14. After the expiration of one year from the date of
7 entry of an order adjudging an ~~a~~ interment right, entombment
8 rights in a community mausoleum or lawn crypt section, or
9 inurnment right in a community columbarium to have been
10 abandoned, a cemetery authority shall have the right to do so
11 and may sell such interment right, entombment rights in a
12 community mausoleum or lawn crypt section, or inurnment right
13 in a community columbarium at public sale and grant an easement
14 therein for burial purposes to the purchaser at such sale,
15 subject to the interment of any human remains theretofore
16 placed therein and the right to maintain memorials placed
17 thereon. A cemetery authority may bid at and purchase such
18 interment right, entombment rights in a community mausoleum or
19 lawn crypt section, or inurnment right in a community
20 columbarium at such sale.

21 Notice of the time and place of any sale held pursuant to
22 an order adjudicating abandonment of a cemetery interment
23 right, entombment rights in a community mausoleum or lawn crypt
24 section, or inurnment right in a community columbarium shall be
25 published once in a newspaper of general circulation in the

1 county in which the cemetery is located, such publication to be
2 not less than 30 days prior to the date of sale.

3 The proceeds derived from any sale shall be used to
4 reimburse the petitioner for the costs of suit and necessary
5 expenses, including attorney's fees, incurred by petitioner in
6 the proceeding, and the balance, if any, shall be deposited
7 into the cemetery authority's care fund or, if there is no care
8 fund, used by the cemetery authority for the care of its
9 cemetery and for no other purpose.

10 (Source: P.A. 94-44, eff. 6-17-05; revised 11-22-13.)

11 Section 795. The Uniform Disposition of Unclaimed Property
12 Act is amended by changing Section 18 as follows:

13 (765 ILCS 1025/18) (from Ch. 141, par. 118)

14 Sec. 18. Deposit of funds received under the Act.

15 (a) The State Treasurer shall retain all funds received
16 under this Act, including the proceeds from the sale of
17 abandoned property under Section 17, in a trust fund. The State
18 Treasurer may deposit any amount in the Trust Fund into the
19 State Pensions Fund during the fiscal year at his or her
20 discretion; however, he or she shall, on April 15 and October
21 15 of each year, deposit any amount in the trust fund exceeding
22 \$2,500,000 into the State Pensions Fund. If on either April 15
23 or October 15, the State Treasurer determines that a balance of
24 \$2,500,000 is insufficient for the prompt payment of unclaimed

1 property claims authorized under this Act, the Treasurer may
2 retain more than \$2,500,000 in the Unclaimed Property Trust
3 Fund in order to ensure the prompt payment of claims. Beginning
4 in State fiscal year 2015, all amounts that are deposited into
5 the State Pensions Fund from the Unclaimed Property Trust Fund
6 shall be apportioned to the designated retirement systems as
7 provided in subsection (c-6) of Section 8.12 of the State
8 Finance Act to reduce their actuarial reserve deficiencies. He
9 or she shall make prompt payment of claims he or she duly
10 allows as provided for in this Act for the trust fund. Before
11 making the deposit the State Treasurer shall record the name
12 and last known address of each person appearing from the
13 holders' reports to be entitled to the abandoned property. The
14 record shall be available for public inspection during
15 reasonable business hours.

16 (b) Before making any deposit to the credit of the State
17 Pensions Fund, the State Treasurer may deduct: (1) any costs in
18 connection with sale of abandoned property, (2) any costs of
19 mailing and publication in connection with any abandoned
20 property, and (3) any costs in connection with the maintenance
21 of records or disposition of claims made pursuant to this Act.
22 The State Treasurer shall semiannually file an itemized report
23 of all such expenses with the Legislative Audit Commission.

24 (Source: P.A. 97-732, eff. 6-30-12; 98-19, eff. 6-10-13; 98-24,
25 eff. 6-19-13; revised 9-24-13.)

1 Section 800. The Business Corporation Act of 1983 is
2 amended by changing Section 15.75 as follows:

3 (805 ILCS 5/15.75) (from Ch. 32, par. 15.75)

4 Sec. 15.75. Rate of franchise taxes payable by foreign
5 corporations.

6 (a) The annual franchise tax payable by each foreign
7 corporation shall be computed at the rate of 1/12 of 1/10 of 1%
8 for each calendar month or fraction thereof for the period
9 commencing on the first day of July 1983 to the first day of
10 the anniversary month in 1984, but in no event shall the amount
11 of the annual franchise tax be less than \$2.083333 per month
12 based on a minimum of \$25 per annum or more than \$83,333.333333
13 per month; commencing on January 1, 1984 to the first day of
14 the anniversary month in 2004, the annual franchise tax payable
15 by each foreign corporation shall be computed at the rate of
16 1/10 of 1% for the 12-months' period commencing on the first
17 day of the anniversary month or, in the case of a corporation
18 that has established an extended filing month, the extended
19 filing month of the corporation, but in no event shall the
20 amount of the annual franchise tax be less than \$25 nor more
21 than \$1,000,000 per annum; commencing on January 1, 2004, the
22 annual franchise tax payable by each foreign corporation shall
23 be computed at the rate of 1/10 of 1% for the 12-month period
24 commencing on the first day of the anniversary month or, in the
25 case of a corporation that has established an extended filing

1 month, the extended filing month of the corporation, but in no
2 event shall the amount of the annual franchise tax be less than
3 \$25 nor more than ~~then~~ \$2,000,000 per annum.

4 (b) The annual franchise tax payable by each foreign
5 corporation at the time of filing a statement of election and
6 interim annual report in connection with an anniversary month
7 prior to January, 2004 shall be computed at the rate of 1/10 of
8 1% for the 12 month period commencing on the first day of the
9 anniversary month of the corporation next following the filing,
10 but in no event shall the amount of the annual franchise tax be
11 less than \$25 nor more than \$1,000,000 per annum; commencing
12 with the first anniversary month that occurs after December,
13 2003, the annual franchise tax payable by each foreign
14 corporation at the time of filing a statement of election and
15 interim annual report shall be computed at the rate of 1/10 of
16 1% for the 12-month period commencing on the first day of the
17 anniversary month of the corporation next following such
18 filing, but in no event shall the amount of the annual
19 franchise tax be less than \$25 nor more than \$2,000,000 per
20 annum.

21 (c) The annual franchise tax payable at the time of filing
22 the final transition annual report in connection with an
23 anniversary month prior to January, 2004 shall be an amount
24 equal to (i) 1/12 of 1/10 of 1% per month of the proportion of
25 paid-in capital represented in this State as shown in the final
26 transition annual report multiplied by (ii) the number of

1 months commencing with the anniversary month next following the
2 filing of the statement of election until, but excluding, the
3 second extended filing month, less the annual franchise tax
4 theretofore paid at the time of filing the statement of
5 election, but in no event shall the amount of the annual
6 franchise tax be less than \$2.083333 per month based on a
7 minimum of \$25 per annum or more than \$83,333.333333 per month;
8 commencing with the first anniversary month that occurs after
9 December, 2003, the annual franchise tax payable at the time of
10 filing the final transition annual report shall be an amount
11 equal to (i) 1/12 of 1/10 of 1% per month of the proportion of
12 paid-in capital represented in this State as shown in the final
13 transition annual report multiplied by (ii) the number of
14 months commencing with the anniversary month next following the
15 filing of the statement of election until, but excluding, the
16 second extended filing month, less the annual franchise tax
17 theretofore paid at the time of filing the statement of
18 election, but in no event shall the amount of the annual
19 franchise tax be less than \$2.083333 per month based on a
20 minimum of \$25 per annum or more than \$166,666.666666 per
21 month.

22 (d) The initial franchise tax payable after January 1,
23 1983, but prior to January 1, 1991, by each foreign corporation
24 shall be computed at the rate of 1/10 of 1% for the 12 months'
25 period commencing on the first day of the anniversary month in
26 which the application for authority is filed by the corporation

1 under Section 13.15 of this Act, but in no event shall the
2 franchise tax be less than \$25 nor more than \$1,000,000 per
3 annum. Except in the case of a foreign corporation that has
4 begun transacting business in Illinois prior to January 1,
5 1991, the initial franchise tax payable on or after January 1,
6 1991, by each foreign corporation, shall be computed at the
7 rate of 15/100 of 1% for the 12-month period commencing on the
8 first day of the anniversary month in which the application for
9 authority is filed by the corporation under Section 13.15 of
10 this Act, but in no event shall the franchise tax for a taxable
11 year commencing prior to January 1, 2004 be less than \$25 nor
12 more than \$1,000,000 per annum plus 1/20 of 1% of the basis
13 therefor and in no event shall the franchise tax for a taxable
14 year commencing on or after January 1, 2004 be less than \$25 or
15 more than \$2,000,000 per annum plus 1/20 of 1% of the basis
16 therefor.

17 (e) Whenever the application for authority indicates that
18 the corporation commenced transacting business:

19 (1) prior to January 1, 1991, the initial franchise tax
20 shall be computed at the rate of 1/12 of 1/10 of 1% for
21 each calendar month; or

22 (2) after December 31, 1990, the initial franchise tax
23 shall be computed at the rate of 1/12 of 15/100 of 1% for
24 each calendar month.

25 (f) Each additional franchise tax payable by each foreign
26 corporation for the period beginning January 1, 1983 through

1 December 31, 1983 shall be computed at the rate of 1/12 of 1/10
2 of 1% for each calendar month or fraction thereof between the
3 date of each respective increase in its paid-in capital and its
4 anniversary month in 1984; thereafter until the last day of the
5 month that is both after December 31, 1990 and the third month
6 immediately preceding the anniversary month in 1991, each
7 additional franchise tax payable by each foreign corporation
8 shall be computed at the rate of 1/12 of 1/10 of 1% for each
9 calendar month, or fraction thereof, between the date of each
10 respective increase in its paid-in capital and its next
11 anniversary month; however, if the increase occurs within the 2
12 month period immediately preceding the anniversary month, the
13 tax shall be computed to the anniversary month of the next
14 succeeding calendar year. Commencing with increases in paid-in
15 capital that occur subsequent to both December 31, 1990 and the
16 last day of the third month immediately preceding the
17 anniversary month in 1991, the additional franchise tax payable
18 by a foreign corporation shall be computed at the rate of
19 15/100 of 1%.

20 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; revised
21 11-14-13.)

22 Section 805. The Illinois Securities Law of 1953 is amended
23 by changing Section 11.5 as follows:

24 (815 ILCS 5/11.5)

1 Sec. 11.5. Securities exchange registration.

2 (a) A person shall not operate a securities exchange in
3 this State unless it has been registered with the Secretary of
4 State.

5 (b) The Secretary of State shall adopt rules or regulations
6 necessary to carry out the provisions of this Section,
7 including rules or regulations prescribing:

8 (1) The fees for the registration of a securities
9 exchange; and

10 (2) The bonding and minimum capitalization
11 requirements for a securities exchange.

12 (c) The Securities Director, or his or her designee, shall
13 investigate the qualifications of each person who applies to
14 the Secretary of State for the registration of a securities
15 exchange. The applicant shall pay the cost of the
16 investigation.

17 (d) The Secretary of State may deny, suspend, or revoke the
18 registration of a securities exchange if the Securities
19 Director, or his or her designee, determines that such action
20 is in the public interest and the provisions of subsection (a)
21 of this Section are applicable to the person who applied for
22 the registration of a securities exchange.

23 (e) A securities exchange located in this State shall not
24 allow the trading of a security in this State unless it is
25 issued by an issuer that has complied with the requirements of
26 this Act and any other applicable requirements of federal or

1 State law.

2 (f) Any transaction, solicitation, or other activity
3 directly related to the purchase, sale, or other transfer of
4 securities listed on a securities exchange located in this
5 State shall be deemed to be a transaction in this State.

6 (g) The Secretary of State may establish reasonable fees by
7 rule or regulation.

8 (h) A registered dealer or salesperson shall not use a
9 securities exchange to effect or report any transaction
10 concerning a security unless the securities exchange is
11 registered with the Secretary of State or is excluded from the
12 provisions of Section 2.28 and this Section of the Act.

13 (Source: P.A. 89-209, eff. 1-1-96; revised 11-14-13.)

14 Section 810. The Waste Oil Recovery Act is amended by
15 changing Section 2 as follows:

16 (815 ILCS 440/2) (from Ch. 96 1/2, par. 7702)

17 Sec. 2. Definitions. As used in this Act, unless the
18 context otherwise requires, words and phrases shall have the
19 meanings ascribed to them in the Sections following this
20 Section and preceding Section 3 ~~Sections 2.1 through 2.10.~~

21 (Source: P.A. 81-379; revised 11-14-13.)

22 Section 815. The Consumer Fraud and Deceptive Business
23 Practices Act is amended by changing Section 2MM as follows:

1 (815 ILCS 505/2MM)

2 Sec. 2MM. Verification of accuracy of consumer reporting
3 information used to extend consumers credit and security freeze
4 on credit reports.

5 (a) A credit card issuer who mails an offer or solicitation
6 to apply for a credit card and who receives a completed
7 application in response to the offer or solicitation which
8 lists an address that is not substantially the same as the
9 address on the offer or solicitation may not issue a credit
10 card based on that application until reasonable steps have been
11 taken to verify the applicant's change of address.

12 (b) Any person who uses a consumer credit report in
13 connection with the approval of credit based on the application
14 for an extension of credit, and who has received notification
15 of a police report filed with a consumer reporting agency that
16 the applicant has been a victim of financial identity theft, as
17 defined in Section 16-30 or 16G-15 of the Criminal Code of 1961
18 or the Criminal Code of 2012, may not lend money or extend
19 credit without taking reasonable steps to verify the consumer's
20 identity and confirm that the application for an extension of
21 credit is not the result of financial identity theft.

22 (c) A consumer may request that a security freeze be placed
23 on his or her credit report by sending a request in writing by
24 certified mail to a consumer reporting agency at an address
25 designated by the consumer reporting agency to receive such

1 requests.

2 The following persons may request that a security freeze be
3 placed on the credit report of a disabled person:

4 (1) a guardian of the disabled person that is the
5 subject of the request, appointed under Article XIa of the
6 Probate Act of 1975; and

7 (2) an agent of the disabled person that is the subject
8 of the request, under a written durable power of attorney
9 that complies with the Illinois Power of Attorney Act.

10 The following persons may request that a security freeze
11 be placed on the credit report of a minor:

12 (1) a guardian of the minor that is the subject of the
13 request, appointed under Article XI of the Probate Act of
14 1975;

15 (2) a parent of the minor that is the subject of the
16 request; and

17 (3) a guardian appointed under the Juvenile Court Act
18 of 1987 for a minor under the age of 18 who is the subject
19 of the request or, with a court order authorizing the
20 guardian consent power, for a youth who is the subject of
21 the request who has attained the age of 18, but who is
22 under the age of 21.

23 This subsection (c) does not prevent a consumer reporting
24 agency from advising a third party that a security freeze is in
25 effect with respect to the consumer's credit report.

26 (d) A consumer reporting agency shall place a security

1 freeze on a consumer's credit report no later than 5 business
2 days after receiving a written request from the consumer:

3 (1) a written request described in subsection (c);

4 (2) proper identification; and

5 (3) payment of a fee, if applicable.

6 (e) Upon placing the security freeze on the consumer's
7 credit report, the consumer reporting agency shall send to the
8 consumer within 10 business days a written confirmation of the
9 placement of the security freeze and a unique personal
10 identification number or password or similar device, other than
11 the consumer's Social Security number, to be used by the
12 consumer when providing authorization for the release of his or
13 her credit report for a specific party or period of time.

14 (f) If the consumer wishes to allow his or her credit
15 report to be accessed for a specific party or period of time
16 while a freeze is in place, he or she shall contact the
17 consumer reporting agency using a point of contact designated
18 by the consumer reporting agency, request that the freeze be
19 temporarily lifted, and provide the following:

20 (1) Proper identification;

21 (2) The unique personal identification number or
22 password or similar device provided by the consumer
23 reporting agency;

24 (3) The proper information regarding the third party or
25 time period for which the report shall be available to
26 users of the credit report; and

1 (4) A fee, if applicable.

2 A security freeze for a minor may not be temporarily
3 lifted. This Section does not require a consumer reporting
4 agency to provide to a minor or a parent or guardian of a minor
5 on behalf of the minor a unique personal identification number,
6 password, or similar device provided by the consumer reporting
7 agency for the minor, or parent or guardian of the minor, to
8 use to authorize the consumer reporting agency to release
9 information from a minor.

10 (g) A consumer reporting agency shall develop a contact
11 method to receive and process a request from a consumer to
12 temporarily lift a freeze on a credit report pursuant to
13 subsection (f) in an expedited manner.

14 A contact method under this subsection shall include: (i) a
15 postal address; and (ii) an electronic contact method chosen by
16 the consumer reporting agency, which may include the use of
17 telephone, fax, Internet, or other electronic means.

18 (h) A consumer reporting agency that receives a request
19 from a consumer to temporarily lift a freeze on a credit report
20 pursuant to subsection (f), shall comply with the request no
21 later than 3 business days after receiving the request.

22 (i) A consumer reporting agency shall remove or temporarily
23 lift a freeze placed on a consumer's credit report only in the
24 following cases:

25 (1) upon consumer request, pursuant to subsection (f)
26 or subsection (l) of this Section; or

1 (2) if the consumer's credit report was frozen due to a
2 material misrepresentation of fact by the consumer.

3 If a consumer reporting agency intends to remove a freeze
4 upon a consumer's credit report pursuant to this subsection,
5 the consumer reporting agency shall notify the consumer in
6 writing prior to removing the freeze on the consumer's credit
7 report.

8 (j) If a third party requests access to a credit report on
9 which a security freeze is in effect, and this request is in
10 connection with an application for credit or any other use, and
11 the consumer does not allow his or her credit report to be
12 accessed for that specific party or period of time, the third
13 party may treat the application as incomplete.

14 (k) If a consumer requests a security freeze, the credit
15 reporting agency shall disclose to the consumer the process of
16 placing and temporarily lifting a security freeze, and the
17 process for allowing access to information from the consumer's
18 credit report for a specific party or period of time while the
19 freeze is in place.

20 (l) A security freeze shall remain in place until the
21 consumer or person authorized under subsection (c) to act on
22 behalf of the minor or disabled person that is the subject of
23 the security freeze requests, using a point of contact
24 designated by the consumer reporting agency, that the security
25 freeze be removed. A credit reporting agency shall remove a
26 security freeze within 3 business days of receiving a request

1 for removal from the consumer, who provides:

2 (1) Proper identification;

3 (2) The unique personal identification number or
4 password or similar device provided by the consumer
5 reporting agency; and

6 (3) A fee, if applicable.

7 (m) A consumer reporting agency shall require proper
8 identification of the person making a request to place or
9 remove a security freeze and may require proper identification
10 and proper authority from the person making the request to
11 place or remove a freeze on behalf of the disabled person or
12 minor.

13 (n) The provisions of subsections (c) through (m) of this
14 Section do not apply to the use of a consumer credit report by
15 any of the following:

16 (1) A person or entity, or a subsidiary, affiliate, or
17 agent of that person or entity, or an assignee of a
18 financial obligation owing by the consumer to that person
19 or entity, or a prospective assignee of a financial
20 obligation owing by the consumer to that person or entity
21 in conjunction with the proposed purchase of the financial
22 obligation, with which the consumer has or had prior to
23 assignment an account or contract, including a demand
24 deposit account, or to whom the consumer issued a
25 negotiable instrument, for the purposes of reviewing the
26 account or collecting the financial obligation owing for

1 the account, contract, or negotiable instrument. For
2 purposes of this subsection, "reviewing the account"
3 includes activities related to account maintenance,
4 monitoring, credit line increases, and account upgrades
5 and enhancements.

6 (2) A subsidiary, affiliate, agent, assignee, or
7 prospective assignee of a person to whom access has been
8 granted under subsection (f) of this Section for purposes
9 of facilitating the extension of credit or other
10 permissible use.

11 (3) Any state or local agency, law enforcement agency,
12 trial court, or private collection agency acting pursuant
13 to a court order, warrant, or subpoena.

14 (4) A child support agency acting pursuant to Title
15 IV-D of the Social Security Act.

16 (5) The State or its agents or assigns acting to
17 investigate fraud.

18 (6) The Department of Revenue or its agents or assigns
19 acting to investigate or collect delinquent taxes or unpaid
20 court orders or to fulfill any of its other statutory
21 responsibilities.

22 (7) The use of credit information for the purposes of
23 prescreening as provided for by the federal Fair Credit
24 Reporting Act.

25 (8) Any person or entity administering a credit file
26 monitoring subscription or similar service to which the

1 consumer has subscribed.

2 (9) Any person or entity for the purpose of providing a
3 consumer with a copy of his or her credit report or score
4 upon the consumer's request.

5 (10) Any person using the information in connection
6 with the underwriting of insurance.

7 (n-5) This Section does not prevent a consumer reporting
8 agency from charging a fee of no more than \$10 to a consumer
9 for each freeze, removal, or temporary lift of the freeze,
10 regarding access to a consumer credit report, except that a
11 consumer reporting agency may not charge a fee to (i) a
12 consumer 65 years of age or over for placement and removal of a
13 freeze, or (ii) a victim of identity theft who has submitted to
14 the consumer reporting agency a valid copy of a police report,
15 investigative report, or complaint that the consumer has filed
16 with a law enforcement agency about unlawful use of his or her
17 personal information by another person.

18 (o) If a security freeze is in place, a consumer reporting
19 agency shall not change any of the following official
20 information in a credit report without sending a written
21 confirmation of the change to the consumer within 30 days of
22 the change being posted to the consumer's file: (i) name, (ii)
23 date of birth, (iii) Social Security number, and (iv) address.
24 Written confirmation is not required for technical
25 modifications of a consumer's official information, including
26 name and street abbreviations, complete spellings, or

1 transposition of numbers or letters. In the case of an address
2 change, the written confirmation shall be sent to both the new
3 address and to the former address.

4 (p) The following entities are not required to place a
5 security freeze in a consumer report, however, pursuant to
6 paragraph (3) of this subsection, a consumer reporting agency
7 acting as a reseller shall honor any security freeze placed on
8 a consumer credit report by another consumer reporting agency:

9 (1) A check services or fraud prevention services
10 company, which issues reports on incidents of fraud or
11 authorizations for the purpose of approving or processing
12 negotiable instruments, electronic funds transfers, or
13 similar methods of payment.

14 (2) A deposit account information service company,
15 which issues reports regarding account closures due to
16 fraud, substantial overdrafts, ATM abuse, or similar
17 negative information regarding a consumer to inquiring
18 banks or other financial institutions for use only in
19 reviewing a consumer request for a deposit account at the
20 inquiring bank or financial institution.

21 (3) A consumer reporting agency that:

22 (A) acts only to resell credit information by
23 assembling and merging information contained in a
24 database of one or more consumer reporting agencies;
25 and

26 (B) does not maintain a permanent database of

1 credit information from which new credit reports are
2 produced.

3 (q) For purposes of this Section:

4 "Credit report" has the same meaning as "consumer report",
5 as ascribed to it in 15 U.S.C. Sec. 1681a(d).

6 "Consumer reporting agency" has the meaning ascribed to it
7 in 15 U.S.C. Sec. 1681a(f).

8 "Security freeze" means a notice placed in a consumer's
9 credit report, at the request of the consumer and subject to
10 certain exceptions, that prohibits the consumer reporting
11 agency from releasing the consumer's credit report or score
12 relating to an extension of credit, without the express
13 authorization of the consumer.

14 "Extension of credit" does not include an increase in an
15 existing open-end credit plan, as defined in Regulation Z of
16 the Federal Reserve System (12 C.F.R. 226.2), or any change to
17 or review of an existing credit account.

18 "Proper authority" means documentation that shows that a
19 parent, guardian, or agent has authority to act on behalf of a
20 minor or disabled person. "Proper authority" includes (1) an
21 order issued by a court of law that shows that a guardian has
22 authority to act on behalf of a minor or disabled person, (2) a
23 written, notarized statement signed by a parent that expressly
24 describes the authority of the parent to act on behalf of the
25 minor, or (3) a durable power of attorney that complies with
26 the Illinois Power of Attorney Act.

1 "Proper identification" means information generally deemed
2 sufficient to identify a person. Only if the consumer is unable
3 to reasonably identify himself or herself with the information
4 described above, may a consumer reporting agency require
5 additional information concerning the consumer's employment
6 and personal or family history in order to verify his or her
7 identity.

8 (r) Any person who violates this Section commits an
9 unlawful practice within the meaning of this Act.

10 (Source: P.A. 97-597, eff. 1-1-12; 97-1150, eff. 1-25-13;
11 98-486, eff. 1-1-14; revised 11-14-13.)

12 Section 820. The Dating Referral Services Act is amended by
13 changing Sections 20 and 25 as follows:

14 (815 ILCS 615/20) (from Ch. 29, par. 1051-20)

15 Sec. 20. Cancellation and refund requirements.

16 (a) Every contract for dating referral services shall
17 provide the following:

18 (1) That the contract may be cancelled by the customer
19 within 3 business days after the first business day after
20 the contract is signed by the customer, and that all monies
21 paid under the contract shall be refunded to the customer.
22 For the purposes of this Section, "business day" means any
23 day on which the facility is open for business. A customer
24 purchasing a plan at a facility that has not yet opened for

1 business at the time the contract is signed, or who does
2 not purchase a contract at an existing facility, shall have
3 7 calendar days in which to cancel the contract and receive
4 a full refund of all monies paid. The customer's rights to
5 cancel described in this Section are in addition to any
6 other contract rights or remedies provided by law.

7 (2) In the event of the relocation of a customer's
8 residence to a location that is more than 20 miles farther
9 than the original distance from the customer's residence to
10 the original enterprise, and upon the failure of the
11 original enterprise to designate an ~~a~~ enterprise, with
12 comparable facilities and services within 25 miles of the
13 customer's new residence that agrees to accept the original
14 enterprise's obligations under the contract, the customer
15 may cancel the contract and shall be liable for only that
16 portion of the charges allocable to the time before
17 reasonable evidence of the relocation is presented to the
18 enterprise, plus a reasonable fee if so provided in the
19 contract, but the fee shall not exceed 10% of the unused
20 balance, or \$50, whichever is less.

21 (3) If the customer dies during the term of the
22 contract, the customer's estate shall be liable for only
23 that portion of the charges allocable to the time before
24 the customer's death. The enterprise shall have the right
25 to require and verify reasonable evidence of the death.

26 (b) Every contract for dating referral services shall

1 provide that notice of cancellation under subsection (a) of
2 this Section shall be made in writing and delivered by
3 certified or registered mail to the enterprise at the address
4 specified in the contract. All refunds to which a customer or
5 his or her estate is entitled shall be made within 30 days of
6 receipt by the enterprise of the cancellation notice.

7 (Source: P.A. 87-450; revised 11-14-13.)

8 (815 ILCS 615/25) (from Ch. 29, par. 1051-25)

9 Sec. 25. Contract requirements for planned enterprises.
10 Every contract for dating referral services at a planned dating
11 referral enterprise or an ~~a~~ enterprise under construction shall
12 further provide that, in the event that the facilities and
13 services contracted for are not available within 6 months from
14 the date the contract is entered into, or within 3 months of a
15 date specified in the contract, whichever is earlier, the
16 contract may be cancelled at the option of the customer, and
17 all payments refunded within 30 days of receipt by the
18 enterprise of the cancellation notice.

19 (Source: P.A. 87-450; revised 11-14-13.)

20 Section 825. The Prevailing Wage Act is amended by changing
21 Sections 2 and 5 as follows:

22 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

23 Sec. 2. This Act applies to the wages of laborers,

1 mechanics and other workers employed in any public works, as
2 hereinafter defined, by any public body and to anyone under
3 contracts for public works. This includes any maintenance,
4 repair, assembly, or disassembly work performed on equipment
5 whether owned, leased, or rented.

6 As used in this Act, unless the context indicates
7 otherwise:

8 "Public works" means all fixed works constructed or
9 demolished by any public body, or paid for wholly or in part
10 out of public funds. "Public works" as defined herein includes
11 all projects financed in whole or in part with bonds, grants,
12 loans, or other funds made available by or through the State or
13 any of its political subdivisions, including but not limited
14 to: bonds issued under the Industrial Project Revenue Bond Act
15 (Article 11, Division 74 of the Illinois Municipal Code), the
16 Industrial Building Revenue Bond Act, the Illinois Finance
17 Authority Act, the Illinois Sports Facilities Authority Act, or
18 the Build Illinois Bond Act; loans or other funds made
19 available pursuant to the Build Illinois Act; loans or other
20 funds made available pursuant to the Riverfront Development
21 Fund under Section 10-15 of the River Edge Redevelopment Zone
22 Act; or funds from the Fund for Illinois' Future under Section
23 6z-47 of the State Finance Act, funds for school construction
24 under Section 5 of the General Obligation Bond Act, funds
25 authorized under Section 3 of the School Construction Bond Act,
26 funds for school infrastructure under Section 6z-45 of the

1 State Finance Act, and funds for transportation purposes under
2 Section 4 of the General Obligation Bond Act. "Public works"
3 also includes (i) all projects financed in whole or in part
4 with funds from the Department of Commerce and Economic
5 Opportunity under the Illinois Renewable Fuels Development
6 Program Act for which there is no project labor agreement; (ii)
7 all work performed pursuant to a public private agreement under
8 the Public Private Agreements for the Illiana Expressway Act or
9 the Public-Private Agreements for the South Suburban Airport
10 Act; and (iii) all projects undertaken under a public-private
11 agreement under the Public-Private Partnerships for
12 Transportation Act. "Public works" also includes all projects
13 at leased facility property used for airport purposes under
14 Section 35 of the Local Government Facility Lease Act. "Public
15 works" also includes the construction of a new wind power
16 facility by a business designated as a High Impact Business
17 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act.
18 "Public works" does not include work done directly by any
19 public utility company, whether or not done under public
20 supervision or direction, or paid for wholly or in part out of
21 public funds. "Public works" also includes any corrective
22 action performed pursuant to Title XVI of the Environmental
23 Protection Act for which payment from the Underground Storage
24 Tank Fund is requested. "Public works" does not include
25 projects undertaken by the owner at an owner-occupied
26 single-family residence or at an owner-occupied unit of a

1 multi-family residence.

2 "Construction" means all work on public works involving
3 laborers, workers or mechanics. This includes any maintenance,
4 repair, assembly, or disassembly work performed on equipment
5 whether owned, leased, or rented.

6 "Locality" means the county where the physical work upon
7 public works is performed, except (1) that if there is not
8 available in the county a sufficient number of competent
9 skilled laborers, workers and mechanics to construct the public
10 works efficiently and properly, "locality" includes any other
11 county nearest the one in which the work or construction is to
12 be performed and from which such persons may be obtained in
13 sufficient numbers to perform the work and (2) that, with
14 respect to contracts for highway work with the Department of
15 Transportation of this State, "locality" may at the discretion
16 of the Secretary of the Department of Transportation be
17 construed to include two or more adjacent counties from which
18 workers may be accessible for work on such construction.

19 "Public body" means the State or any officer, board or
20 commission of the State or any political subdivision or
21 department thereof, or any institution supported in whole or in
22 part by public funds, and includes every county, city, town,
23 village, township, school district, irrigation, utility,
24 reclamation improvement or other district and every other
25 political subdivision, district or municipality of the state
26 whether such political subdivision, municipality or district

1 operates under a special charter or not.

2 The terms "general prevailing rate of hourly wages",
3 "general prevailing rate of wages" or "prevailing rate of
4 wages" when used in this Act mean the hourly cash wages plus
5 annualized fringe benefits for training and apprenticeship
6 programs approved by the U.S. Department of Labor, Bureau of
7 Apprenticeship and Training, health and welfare, insurance,
8 vacations and pensions paid generally, in the locality in which
9 the work is being performed, to employees engaged in work of a
10 similar character on public works.

11 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;
12 98-482, eff. 1-1-14; revised 9-24-13.)

13 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

14 Sec. 5. Certified payroll.

15 (a) Any contractor and each subcontractor who participates
16 in public works shall:

17 (1) make and keep, for a period of not less than 3
18 years from the date of the last payment made before January
19 1, 2014 (the effective date of Public Act 98-328) ~~the~~
20 ~~effective date of this amendatory Act of the 98th General~~
21 ~~Assembly~~ and for a period of 5 years from the date of the
22 last payment made on or after January 1, 2014 (the
23 effective date of Public Act 98-328) ~~the effective date of~~
24 ~~this amendatory Act of the 98th General Assembly~~ on a
25 contract or subcontract for public works, records of all

1 laborers, mechanics, and other workers employed by them on
2 the project; the records shall include (i) the worker's
3 name, (ii) the worker's address, (iii) the worker's
4 telephone number when available, (iv) the worker's social
5 security number, (v) the worker's classification or
6 classifications, (vi) the worker's gross and net wages paid
7 in each pay period, (vii) the worker's number of hours
8 worked each day, (viii) the worker's starting and ending
9 times of work each day, (ix) the worker's hourly wage rate,
10 (x) the worker's hourly overtime wage rate, (xi) the
11 worker's hourly fringe benefit rates, (xii) the name and
12 address of each fringe benefit fund, (xiii) the plan
13 sponsor of each fringe benefit, if applicable, and (xiv)
14 the plan administrator of each fringe benefit, if
15 applicable; and

16 (2) no later than the 15th day of each calendar month
17 file a certified payroll for the immediately preceding
18 month with the public body in charge of the project. A
19 certified payroll must be filed for only those calendar
20 months during which construction on a public works project
21 has occurred. The certified payroll shall consist of a
22 complete copy of the records identified in paragraph (1) of
23 this subsection (a), but may exclude the starting and
24 ending times of work each day. The certified payroll shall
25 be accompanied by a statement signed by the contractor or
26 subcontractor or an officer, employee, or agent of the

1 contractor or subcontractor which avers that: (i) he or she
2 has examined the certified payroll records required to be
3 submitted by the Act and such records are true and
4 accurate; (ii) the hourly rate paid to each worker is not
5 less than the general prevailing rate of hourly wages
6 required by this Act; and (iii) the contractor or
7 subcontractor is aware that filing a certified payroll that
8 he or she knows to be false is a Class A misdemeanor. A
9 general contractor is not prohibited from relying on the
10 certification of a lower tier subcontractor, provided the
11 general contractor does not knowingly rely upon a
12 subcontractor's false certification. Any contractor or
13 subcontractor subject to this Act and any officer,
14 employee, or agent of such contractor or subcontractor
15 whose duty as such officer, employee, or agent it is to
16 file such certified payroll who willfully fails to file
17 such a certified payroll on or before the date such
18 certified payroll is required by this paragraph to be filed
19 and any person who willfully files a false certified
20 payroll that is false as to any material fact is in
21 violation of this Act and guilty of a Class A misdemeanor.
22 The public body in charge of the project shall keep the
23 records submitted in accordance with this paragraph (2) of
24 subsection (a) before January 1, 2014 (the effective date
25 of Public Act 98-328) ~~the effective date of this amendatory~~
26 ~~Act of the 98th General Assembly~~ for a period of not less

1 than 3 years, and the records submitted in accordance with
2 this paragraph (2) of subsection (a) on or after January 1,
3 2014 (the effective date of Public Act 98-328) ~~the~~
4 ~~effective date of this amendatory Act of the 98th General~~
5 ~~Assembly~~ for a period of 5 years, from the date of the last
6 payment for work on a contract or subcontract for public
7 works. The records submitted in accordance with this
8 paragraph (2) of subsection (a) shall be considered public
9 records, except an employee's address, telephone number,
10 and social security number, and made available in
11 accordance with the Freedom of Information Act. The public
12 body shall accept any reasonable submissions by the
13 contractor that meet the requirements of this Section.

14 A contractor, subcontractor, or public body may retain
15 records required under this Section in paper or electronic
16 format.

17 (b) Upon 7 business days' notice, the contractor and each
18 subcontractor shall make available for inspection and copying
19 at a location within this State during reasonable hours, the
20 records identified in paragraph (1) of subsection (a) of this
21 Section to the public body in charge of the project, its
22 officers and agents, the Director of Labor and his deputies and
23 agents, and to federal, State, or local law enforcement
24 agencies and prosecutors.

25 (c) A contractor or subcontractor who remits contributions
26 to fringe benefit funds that are jointly maintained and jointly

1 governed by one or more employers and one or more labor
2 organizations in accordance with the federal Labor Management
3 Relations Act shall make and keep certified payroll records
4 that include the information required under items (i) through
5 (viii) of paragraph (1) of subsection (a) only. However, the
6 information required under items (ix) through (xiv) of
7 paragraph (1) of subsection (a) shall be required for any
8 contractor or subcontractor who remits contributions to a
9 fringe benefit fund that is not jointly maintained and jointly
10 governed by one or more employers and one or more labor
11 organizations in accordance with the federal Labor Management
12 Relations Act.

13 (Source: P.A. 97-571, eff. 1-1-12; 98-328, eff. 1-1-14; 98-482,
14 eff. 1-1-14; revised 9-24-13.)

15 Section 995. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.

22 Section 996. No revival or extension. This Act does not
23 revive or extend any Section or Act otherwise repealed.

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.".