SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED SECOND GENERAL ASSEMBLY

101ST LEGISLATIVE DAY

TUESDAY, MARCH 29, 2022

12:11 O'CLOCK P.M.

NO. 101
[March 29, 2022]

SENATE
Daily Journal Index
101st Legislative Day

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The Senate met pursuant to adjournment.
Senator Linda Holmes, Aurora, Illinois, presiding.
Prayer by Pastor Scott Marsh, Texas Christian Church/Maroa Christian Church, Maroa, Illinois.
Senator Bennett led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Monday, March 28, 2022, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Boone County Sheriff's Department.

Kendall County Report Regarding Overhears 3-1-21 to 3-1-22, submitted by the Kendall County State's Attorney's Office.

Three-Year Budget Forecast FY 2023 - 2025, submitted by the Commission on Government Forecasting and Accountability.

The foregoing reports were ordered received and placed on file with the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 3 to House Bill 17
Amendment No. 3 to House Bill 4988

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
DON HARMON
STATE OF ILLINOIS

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

160 N. LASALLE ST., STE. 720
CHICAGO, ILLINOIS 60601
312-814-2075

March 29, 2022

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the Senate Rule 2-10, I hereby extend the committee and third reading deadline to April 8, 2022 for the following bills:

HB 4646
HB 5441

Sincerely,
s/Don Harmon
Don Harmon
Senate President

cc: Senate Republican Leader Dan McConchie

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 937

Offered by Senator Gillespie and all Senators:
Mourns the death of Jason S. Georgacakis of Mount Prospect.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

REPORTS FROM STANDING COMMITTEES

Senator Belt, Chair of the Committee on Education, to which was referred **House Bill No. 4813**, reported the same back with the recommendation that the bill do pass.
Under the rules, the bill was ordered to a second reading.

Senator Belt, Chair of the Committee on Education, to which was referred **House Bill No. 4243**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.
Under the rules, the bill was ordered to a second reading.

Senator Belt, Chair of the Committee on Education, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to House Bill 4256
Senate Amendment No. 4 to House Bill 4256
Senate Amendment No. 1 to House Bill 5016

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Van Pelt, Chair of the Committee on Healthcare Access and Availability, to which was referred **Senate Resolution No. 872**, reported the same back with the recommendation that the resolution be adopted.
Under the rules, **Senate Resolution No. 872** was placed on the Secretary's Desk.

Senator Van Pelt, Chair of the Committee on Healthcare Access and Availability, to which was referred **Senate Resolutions Numbered 828 and 862**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolutions, as amended, be adopted.
Under the rules, **Senate Resolutions Numbered 828 and 862** were placed on the Secretary's Desk.

Senator Van Pelt, Chair of the Committee on Healthcare Access and Availability, to which was referred **House Bill No. 5465**, reported the same back with the recommendation that the bill do pass.
Under the rules, the bill was ordered to a second reading.

Senator Stadelman, Chair of the Committee on Local Government, to which was referred **House Bill No. 4461**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Stadelman, Chair of the Committee on Local Government, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 5283

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

POSTING NOTICES WAIVED

Senator Bennett moved to waive the six-day posting requirement on **House Bill No. 5464** so that the measure may be heard in the Committee on Higher Education that is scheduled to meet March 29, 2022.

The motion prevailed.

Senator Bennett moved to waive the six-day posting requirement on **Senate Resolution No. 922** so that the measure may be heard in the Committee on Higher Education that is scheduled to meet March 29, 2022.

The motion prevailed.

Senator Castro moved to waive the six-day posting requirement on **House Bill No. 4126** so that the measure may be heard in the Committee on Executive that is scheduled to meet March 30, 2022.

The motion prevailed.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Glowiak Hilton, **House Bill No. 1091** was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Executive.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Fine, **House Bill No. 3118** was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Agriculture.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Hastings, **House Bill No. 4390** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Belt, **House Bill No. 4818** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment and Conservation, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4818

AMENDMENT NO. 1 . Amend House Bill 4818 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Section 22.62 as follows:
(415 ILCS 5/22.62 new)
Sec. 22.62. TRI-PFAS; incineration.
(a) As used in this Section:
"Incineration" includes, but is not limited to, burning, combustion, pyrolysis, gasification, or the use of an acid recovery furnace or oxidizer, ore roaster, cement kiln, lightweight aggregate kiln,

industrial furnace, boiler, or process heater. "Incineration" does not include thermal oxidizers when they are operated as a pollution control or resource recovery device at a facility that is using perfluoroalkyl or polyfluoroalkyl substances or chemicals containing perfluoroalkyl or polyfluoroalkyl substances.

"Toxic Release Inventory Perfluoroalkyl and Polyfluoroalkyl Substances" or "TRI-PFAS" means the chemicals on the list of perfluoroalkyl and polyfluoroalkyl substances set forth in the USEPA's Toxic Release Inventory rules, developed under Section 313 of the federal Emergency Planning and Community Right-To-Know Act (EPCRA) and codified in 40 CFR 372.65, excluding liquid or gaseous fluorocarbon or chlorofluorocarbon products used chiefly as refrigerants.

(b) No person shall dispose of any TRI-PFAS by incineration, including, but not limited to, aqueous film-forming foam that contains TRI-PFAS. The Agency may propose, and the Board may adopt, any rules it deems necessary to carry out the provisions of this Section.

(c) Nothing in this Section applies to (i) the combustion of landfill gas from the decomposition of waste that may contain any perfluoroalkyl or polyfluoroalkyl substances at a permitted sanitary landfill or (ii) the combustion of landfill gas in a landfill gas recovery facility that is located at a sanitary landfill.

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

Floor Amendment No. 2 was held in the Committee on Environment and Conservation.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Hastings, **House Bill No. 5175** was taken up, read by title a second time and ordered to a third reading.

INTRODUCTION OF BILL

SENATE BILL NO. 4199. Introduced by Senator Koehler, a bill for AN ACT concerning civil law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

POSTING NOTICE WAIVED

Senator Ellman moved to waive the six-day posting requirement on **House Bill No. 5194** so that the measure may be heard in the Committee on Financial Institutions that is scheduled to meet March 30, 2022.

The motion prevailed.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Fowler, **House Bill No. 5041** was taken up, read by title a second time and ordered to a third reading.

Senator Hunter asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

Senator DeWitte asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 12:34 o'clock p.m., the Chair announced that the Senate stands at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 1:15 o'clock p.m., the Senate resumed consideration of business.

Senator Holmes, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its March 29, 2022 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **House Bill No. 5441; Floor Amendment No. 3 to House Bill 17; Floor Amendment No. 1 to House Bill 3465**.

Energy and Public Utilities: **Floor Amendment No. 2 to House Bill 4973**.

Health: **House Joint Resolution No. 75; Floor Amendment No. 3 to Senate Bill 970**.

Pensions: **House Bill No. 4646**.

Senator Lightford, Chair of the Committee on Assignments, during its March 29, 2022 meeting, to which was referred **House Bills numbered 3205 and 4600**, reported the same back with the recommendation that the bills be placed on the order of second reading without recommendation to committee.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 2 to House Bill 3205
Amendment No. 1 to House Bill 4600

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its March 29, 2022 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce: **Floor Amendment No. 2 to House Bill 3205**.

Executive: **Floor Amendment No. 1 to House Bill 4600**.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Muñoz, **House Bill No. 107** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cunningham, **House Bill No. 1208** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Labor, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 1208

AMENDMENT NO. 1 . Amend House Bill 1208 on page 6, by replacing lines 17 through 23 with the following:

"Notwithstanding any other provision of law, in addition to any other transfers that may be provided by law, on the effective date of this amendatory Act of the 102nd General Assembly, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Self-Insurers Administration Fund into the Self-Insurers Security Fund. Upon completion of the

transfers, the Self-Insurers Administration Fund is dissolved, and any future deposits due to the Self-Insurers Administration Fund and any outstanding obligations or liabilities of the Self-Insurers Administration Fund pass to the Self-Insurers Security Fund.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 3124** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 3949** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Healthcare Access and Availability, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3949

AMENDMENT NO. 1 . Amend House Bill 3949 by replacing everything after the enacting clause with the following:

"Section 1. Purpose. The purpose of this Act is to help homeless service providers receive federal resources during public health emergencies, including personal protective equipment for which the Federal Emergency Management Agency has final authority for reimbursement.

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-434 as follows:

(20 ILCS 2310/2310-434 new)

Sec. 2310-434. Homeless service providers.

(a) In this Section, "homeless service provider" means a person or entity who provides services to homeless persons under any of the programs of or identified by the Department of Human Services.

(b) The Department shall consider all homeless service providers in the State to be essential critical infrastructure workers in accordance with the most recent guidance from the federal Cybersecurity and Infrastructure Security Agency. The Department shall ensure that homeless service providers qualify for the same priority benefits afforded to frontline workers by the State, including, but not limited to:

(1) federal funding for relief relating to public health emergencies;

(2) personal protective equipment; and

(3) vaccinations.

(c) In accordance with this Section, during a federally-designated public health emergency or a public health disaster declared by a proclamation issued by the Governor under Section 7 of the Illinois Emergency Management Agency Act, the Department and the Illinois Emergency Management Agency shall offer recommendations to their local counterparts, including local public health departments and local emergency management assistance agencies, encouraging them to consider homeless service providers when making determinations about providing assistance.

(d) The Department may adopt rules for the implementation and administration of this Section and to ensure that homeless service providers are considered essential critical infrastructure workers in the event of a pandemic.

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Gillespie, **House Bill No. 4281** was taken up, read by title a second time.

Committee Amendment Nos. 1 and 2 were held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 4462** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Simmons, **House Bill No. 5016** having been printed, was taken up and read by title a second time.

Senator Simmons offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 5016

AMENDMENT NO. 1 . Amend House Bill 5016 as follows:

on page 2, immediately below line 16, by inserting the following:

"The Department of Corrections educators and security staff shall be involved in assisting and supervising students participating in the pilot program. The Department of Corrections shall negotiate with all bargaining units involved to ensure that the implementation of the pilot program is consistent with collective bargaining agreements."; and

on page 2, immediately below line 22, by inserting the following:

"The establishment of the pilot program described in this Section is contingent upon there being provided to the Department of Corrections sufficient appropriations to implement and administer the program.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Villivalam, **House Bill No. 5463** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 5463

AMENDMENT NO. 1 . Amend House Bill 5463 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Highway Code is amended by adding Section 9-112.6 as follows:

(605 ILCS 5/9-112.6 new)

Sec. 9-112.6. Vegetation control permit.

(a) The Department may issue rules to provide the standards and procedures for vegetation control, including permit applications, permits, revocations, and the requirements for replacement of vegetation and landscaping removal to establish clear visibility zones of signs along interstate or primary highways in the State.

(b) The Department shall allow the cutting or trimming of vegetation to clear a visibility zone of 500 feet for a single-sided or 1,000 feet for a double-sided off-premises sign along interstate or primary highways. This distance shall be measured from the edge of the sign face closest to the pavement in a direction parallel to the pavement.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Cunningham, **House Bill No. 5502** was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Assignments.

Floor Amendment Nos. 2 and 3 were held in the Committee on Energy and Public Utilities.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 5549** was taken up, read by title a second time and ordered to a third reading.

POSTING NOTICES WAIVED

Senator Martwick moved to waive the six-day posting requirement on **House Bills numbered 4209, 4785, 4926 and 5447** so that the measures may be heard in the Committee on Pensions that is scheduled to meet March 30, 2022.

The motion prevailed.

LEGISLATIVE MEASURE FILED

The following Committee amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to House Bill 4926

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Bennett, **House Bill No. 5196** was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Health.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator E. Jones III, **House Bill No. 5328** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bennett, **House Bill No. 5408** having been printed, was taken up, read by title a second time and ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harris, **House Bill No. 2739** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Loughran Cappel	Sims
Aquino	Fine	Martwick	Stadelman
Bailey	Fowler	McClure	Stoller
Barickman	Gillespie	McConchie	Syverson
Belt	Glowiak Hilton	Morrison	Tracy
Bennett	Harris	Muñoz	Turner, D.
Bryant	Hastings	Murphy	Turner, S.
Bush	Holmes	Pacione-Zayas	Van Pelt
Castro	Hunter	Pappas	Villa
Connor	Johnson	Peters	Villanueva
Cunningham	Jones, E.	Plummer	Villivalam
Curran	Joyce	Rezin	Wilcox
DeWitte	Koehler	Rose	Mr. President
Ellman	Lightford	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Loughran Cappel, **House Bill No. 2910** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stoller
Aquino	Fowler	McConchie	Syverson
Bailey	Gillespie	Morrison	Tracy
Belt	Glowiak Hilton	Muñoz	Turner, D.
Bennett	Harris	Murphy	Turner, S.
Bryant	Hastings	Pacione-Zayas	Van Pelt
Bush	Holmes	Pappas	Villa
Castro	Hunter	Peters	Villanueva
Connor	Johnson	Plummer	Villivalam
Cunningham	Jones, E.	Rezin	Wilcox
Curran	Joyce	Rose	Mr. President
DeWitte	Koehler	Simmons	
Ellman	Lightford	Sims	
Feigenholtz	Loughran Cappel	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **House Bill No. 2382** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stoller
Bailey	Gillespie	McConchie	Syverson
Barickman	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
DeWitte	Koehler	Rose	Mr. President
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Connor, **House Bill No. 3637** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stoller
Bailey	Gillespie	McConchie	Syverson
Barickman	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
DeWitte	Koehler	Rose	Mr. President
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator McClure, **House Bill No. 3717** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stoller
Bailey	Gillespie	McConchie	Syverson
Barickman	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
DeWitte	Koehler	Rose	Mr. President
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **House Bill No. 3988** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stoller
Bailey	Gillespie	McConchie	Syverson
Barickman	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
DeWitte	Koehler	Rose	Mr. President
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Koehler, **House Bill No. 4089** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 42; NAYS 10.

The following voted in the affirmative:

Aquino	Gillespie	Loughran Cappel	Stadelman
Belt	Glowiak Hilton	Martwick	Syverson
Bennett	Harris	Morrison	Turner, D.
Bush	Hastings	Muñoz	Turner, S.
Castro	Holmes	Murphy	Van Pelt
Connor	Hunter	Pacione-Zayas	Villa
Cunningham	Johnson	Pappas	Villanueva
DeWitte	Jones, E.	Peters	Villivalam
Ellman	Joyce	Rezin	Mr. President
Feigenholtz	Koehler	Simmons	
Fine	Lightford	Sims	

The following voted in the negative:

Anderson	Bryant	Rose	Wilcox
Bailey	McConchie	Stoller	
Barickman	Plummer	Tracy	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Bryant, **House Bill No. 4114** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stoller
Bailey	Gillespie	McConchie	Syverson
Barickman	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
DeWitte	Koehler	Rose	Mr. President
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Feigenholtz, **House Bill No. 4158** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 48; NAY 1.

The following voted in the affirmative:

Anderson	Harris	Muñoz	Tracy
Aquino	Hastings	Murphy	Turner, D.
Belt	Holmes	Pacione-Zayas	Turner, S.
Bennett	Hunter	Pappas	Van Pelt
Bush	Johnson	Peters	Villa
Castro	Jones, E.	Plummer	Villanueva
Connor	Koehler	Rezin	Villivalam
Cunningham	Lightford	Rose	Wilcox
DeWitte	Loughran Cappel	Simmons	Mr. President
Ellman	Martwick	Sims	
Feigenholtz	McClure	Stadelman	
Fowler	McConchie	Stoller	
Glowiak Hilton	Morrison	Syverson	

The following voted in the negative:

Bryant

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

Senator Bryant asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 4158**.

On motion of Senator Peters, **House Bill No. 4165** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 52; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stoller
Bailey	Gillespie	McConchie	Syverson
Barickman	Glowiak Hilton	Morrison	Turner, D.
Belt	Harris	Muñoz	Turner, S.
Bennett	Hastings	Murphy	Van Pelt
Bryant	Holmes	Pacione-Zayas	Villa
Bush	Hunter	Pappas	Villanueva
Castro	Johnson	Peters	Villivalam
Connor	Jones, E.	Plummer	Mr. President
Cunningham	Joyce	Rezin	
DeWitte	Koehler	Rose	
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Stadelman, **House Bill No. 4170** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stoller
Bailey	Gillespie	McConchie	Syverson
Barickman	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt

Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
DeWitte	Koehler	Rose	Mr. President
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Pacione-Zayas, **House Bill No. 4201** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 43; NAYS 9.

The following voted in the affirmative:

Anderson	Feigenholtz	Joyce	Peters
Aquino	Fine	Koehler	Simmons
Barickman	Fowler	Lightford	Sims
Belt	Gillespie	Loughran Cappel	Stadelman
Bennett	Glowiak Hilton	Martwick	Turner, D.
Bush	Harris	McConchie	Van Pelt
Castro	Hastings	Morrison	Villa
Connor	Holmes	Muñoz	Villanueva
Cunningham	Hunter	Murphy	Villivalam
DeWitte	Johnson	Pacione-Zayas	Mr. President
Ellman	Jones, E.	Pappas	

The following voted in the negative:

Bailey	Rose	Tracy
Bryant	Stoller	Turner, S.
Plummer	Syverson	Wilcox

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator McClure, **House Bill No. 4230** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 52; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stoller
Aquino	Fowler	McClure	Tracy
Bailey	Gillespie	McConchie	Turner, D.
Barickman	Glowiak Hilton	Morrison	Turner, S.

Belt	Harris	Muñoz	Van Pelt
Bennett	Hastings	Murphy	Villa
Bryant	Holmes	Pacione-Zayas	Villanueva
Bush	Hunter	Pappas	Villivalam
Castro	Johnson	Peters	Wilcox
Connor	Jones, E.	Plummer	Mr. President
Cunningham	Joyce	Rezin	
DeWitte	Koehler	Rose	
Ellman	Lightford	Sims	
Feigenholtz	Loughran Cappel	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Loughran Cappel, **House Bill No. 4246** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Loughran Cappel	Sims
Aquino	Fine	Martwick	Stadelman
Bailey	Fowler	McClure	Stoller
Barickman	Gillespie	McConchie	Syverson
Belt	Glowiak Hilton	Morrison	Tracy
Bennett	Harris	Muñoz	Turner, D.
Bryant	Hastings	Murphy	Turner, S.
Bush	Holmes	Pacione-Zayas	Van Pelt
Castro	Hunter	Pappas	Villa
Connor	Johnson	Peters	Villanueva
Cunningham	Jones, E.	Plummer	Villivalam
Curran	Joyce	Rezin	Wilcox
DeWitte	Koehler	Rose	Mr. President
Ellman	Lightford	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Anderson, **House Bill No. 4251** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 52; NAY 1.

The following voted in the affirmative:

Anderson	Fowler	McClure	Syverson
Barickman	Gillespie	McConchie	Tracy
Belt	Glowiak Hilton	Morrison	Turner, D.
Bennett	Harris	Muñoz	Turner, S.

Bryant	Hastings	Murphy	Van Pelt
Bush	Holmes	Pacione-Zayas	Villa
Castro	Hunter	Pappas	Villanueva
Connor	Johnson	Peters	Villivalam
Cunningham	Jones, E.	Rezin	Wilcox
Curran	Joyce	Rose	Mr. President
DeWitte	Koehler	Simmons	
Ellman	Lightford	Sims	
Feigenholtz	Loughran Cappel	Stadelman	
Fine	Martwick	Stoller	

The following voted in the negative:

Plummer

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Bryant, **House Bill No. 4257** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stoller
Bailey	Gillespie	McConchie	Syverson
Barickman	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
Curran	Koehler	Rose	Mr. President
DeWitte	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Ellman, **House Bill No. 4261** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Loughran Cappel	Sims
Aquino	Fine	Martwick	Stadelman
Bailey	Fowler	McClure	Stoller
Barickman	Gillespie	McConchie	Syverson
Belt	Glowiak Hilton	Morrison	Tracy
Bennett	Harris	Muñoz	Turner, D.
Bryant	Hastings	Murphy	Turner, S.
Bush	Holmes	Pacione-Zayas	Van Pelt
Castro	Hunter	Pappas	Villa
Connor	Johnson	Peters	Villanueva
Cunningham	Jones, E.	Plummer	Villivalam
Curran	Joyce	Rezin	Wilcox
DeWitte	Koehler	Rose	Mr. President
Ellman	Lightford	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Fine, **House Bill No. 4271** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stoller
Bailey	Gillespie	McConchie	Syverson
Barickman	Glowiak Hilton	Morrison	Turner, D.
Belt	Harris	Muñoz	Turner, S.
Bennett	Hastings	Murphy	Van Pelt
Bryant	Holmes	Pacione-Zayas	Villa
Castro	Hunter	Pappas	Villanueva
Connor	Johnson	Peters	Villivalam
Cunningham	Jones, E.	Plummer	Wilcox
Curran	Joyce	Rezin	Mr. President
DeWitte	Koehler	Rose	
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martwick, **House Bill No. 4292** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 52; NAY 1.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Tracy
Barickman	Gillespie	McConchie	Turner, D.
Belt	Glowiak Hilton	Morrison	Turner, S.
Bennett	Harris	Muñoz	Van Pelt
Bryant	Hastings	Murphy	Villa
Bush	Holmes	Pacione-Zayas	Villanueva
Castro	Hunter	Pappas	Villivalam
Connor	Johnson	Peters	Wilcox
Cunningham	Jones, E.	Plummer	Mr. President
Curran	Joyce	Rezin	
DeWitte	Koehler	Rose	
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

The following voted in the negative:

Stoller

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Murphy, **House Bill No. 4811** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Loughran Cappel	Sims
Aquino	Fine	Martwick	Stadelman
Bailey	Fowler	McClure	Stoller
Barickman	Gillespie	McConchie	Syverson
Belt	Glowiak Hilton	Morrison	Tracy
Bennett	Harris	Muñoz	Turner, D.
Bryant	Hastings	Murphy	Turner, S.
Bush	Holmes	Pacione-Zayas	Van Pelt
Castro	Hunter	Pappas	Villa
Connor	Johnson	Peters	Villanueva
Cunningham	Jones, E.	Plummer	Villivalam
Curran	Joyce	Rezin	Wilcox
DeWitte	Koehler	Rose	Mr. President
Ellman	Lightford	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Harmon moved that **Senate Resolution No. 934**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Harmon moved that Senate Resolution No. 934 be adopted.
The motion prevailed.
And the resolution was adopted.

At the hour of 2:41 o'clock p.m., the Chair announced that the Senate stands at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 5:42 o'clock p.m., the Senate resumed consideration of business.
Senator Cunningham, presiding.

LEGISLATIVE MEASURE FILED

The following Committee amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 2 to House Bill 4769

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 938
Offered by Senator D. Turner and all Senators:
Mourns the death of Albertus G. "Bert" Barber of Springfield.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

REPORTS FROM STANDING COMMITTEES

Senator Morrison, Chair of the Committee on Health, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to House Bill 4674

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Villivalam, Chair of the Committee on Transportation, to which was referred **House Bills Numbered 4434 and 5581**, reported the same back with the recommendation that the bills do pass.
Under the rules, the bills were ordered to a second reading.

Senator Villivalam, Chair of the Committee on Transportation, to which was referred **House Bill No. 5496**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.
Under the rules, the bill was ordered to a second reading.

Senator Villivalam, Chair of the Committee on Transportation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to House Bill 5026

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Connor, Vice-Chair of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 1490
Senate Amendment No. 2 to House Bill 861

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Connor, Chair of the Committee on Criminal Law, to which was referred **House Bills Numbered 4559 and 4741**, reported the same back with the recommendation that the bills do pass.
Under the rules, the bills were ordered to a second reading.

Senator Connor, Chair of the Committee on Criminal Law, to which was referred **House Bill No. 4556**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.
Under the rules, the bill was ordered to a second reading.

Senator Connor, Chair of the Committee on Criminal Law, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to House Bill 17

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Fine, Chair of the Committee on Behavioral and Mental Health, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 4306

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Bennett, Chair of the Committee on Higher Education, to which was referred **Senate Resolution No. 922**, reported the same back with the recommendation that the resolution be adopted.
Under the rules, **Senate Resolution No. 922** was placed on the Secretary's Desk.

Senator Bennett, Chair of the Committee on Higher Education, to which was referred **House Bill No. 5464**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.
Under the rules, the bill was ordered to a second reading.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1099

A bill for AN ACT concerning regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1099

Passed the House, as amended, March 29, 2022.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1099

AMENDMENT NO. 1 . Amend Senate Bill 1099 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Consumer Legal Funding Act.

Section 5. Definitions.

"Advertise" means publishing or disseminating any written, electronic, or printed communication, or any communication by means of recorded telephone messages or transmitted on radio, television, the Internet, or similar communications media, including film strips, motion pictures, and videos, published, disseminated, circulated, or placed before the public, directly or indirectly, for the purpose of inducing a consumer to enter into a consumer legal funding.

"Charges" means the fees, as set forth in Section 25, to be paid to the consumer legal funding company by or on behalf of the consumer above the funded amount provided by or on behalf of the company to an Illinois consumer pursuant to this Act.

"Consumer" means a natural person who has a pending legal claim and who resides or is domiciled in Illinois.

"Consumer legal funding" or "funding" means a nonrecourse transaction in which a company purchases and a consumer transfers to the company an unvested, contingent future interest in the potential net proceeds of a settlement or judgment obtained from the consumer's legal claim; if no proceeds are obtained from the consumer's legal claim, the consumer is not required to repay the company the consumer legal funding amount or charges.

"Consumer legal funding company" or "company" means a person or entity that enters into, purchases, or services a consumer legal funding transaction with an Illinois consumer. "Consumer legal funding company" does not include:

(1) an immediate family member of the consumer;

(2) a bank, lender, financing entity, or other special purpose entity:

(A) that provides financing to a consumer legal funding company; or

(B) to which a consumer legal funding company grants a security interest or transfers any rights or interest in a consumer legal funding; or

(3) an attorney or accountant who provides services to a consumer.

"Department" means the Department of Financial and Professional Regulation.

"Funded amount" means the amount of moneys provided to, or on behalf of, the consumer in the consumer legal funding. "Funded amount" does not include charges except for charges that are deducted from the funded amount.

"Funding date" means the date on which the funded amount is transferred to the consumer by the consumer legal funding company either by personal delivery; via wire, ACH, or other electronic means; or mailed by insured, certified, or registered United States mail.

"Immediate family member" means a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent; or grandchild.

"Legal claim" means a bona fide civil claim or cause of action.

"Resolution amount" means the funded amount plus the agreed-upon charges that are delivered to the consumer legal funding company on the resolution date.

"Resolution date" means the date the resolution amount is delivered to the consumer legal funding company.

"Secretary" means the Secretary of Financial and Professional Regulation or the Secretary's designee.

Section 10. Contract requirements; right of rescission.

(a) All consumer legal fundings shall meet the following requirements:

(1) the contract shall be completely filled in when presented to the consumer for signature with all blanks marked "not applicable", "n/a", or "none";

(2) the contract shall contain, in bold and boxed type, a right of rescission, allowing the consumer to cancel the contract without penalty or further obligation if, within 14 business days after the funding date, the consumer either:

(A) returns to the consumer legal funding company the full amount of the disbursed funds by delivering the company's uncashed check to the company's office in person; or

(B) mails, by insured, certified, or registered United States mail, to the address specified in the contract, a notice of cancellation and includes in the mailing a return of the full amount of disbursed funds in the form of the company's uncashed check or a registered or certified check or money order; and

(3) the contract shall contain the initials of the consumer on each page.

(b) The contract shall contain a written acknowledgment by the attorney retained by the consumer in the legal claim that attests to the following:

(1) to the best of the attorney's knowledge, all the costs and charges relating to the consumer legal funding have been disclosed to the consumer;

(2) the attorney is being paid on a contingency basis pursuant to a written fee agreement;

(3) all proceeds of the legal claim will be disbursed via either the trust account of the attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer;

(4) the attorney is following the written instructions of the consumer with regard to the consumer legal funding; and

(5) the attorney has not received a referral fee or other consideration from the consumer legal funding company in connection with the consumer legal funding, nor will the attorney receive such fee or other consideration in the future.

(c) If the acknowledgment required in subsection (b) is not completed by the attorney retained by the consumer in the legal claim, the contract shall be null and void. The contract remains valid and enforceable if the consumer terminates representation by the initial attorney who completed the acknowledgment required in subsection (b) or retains a new attorney with respect to the legal claim.

(d) No licensee shall permit an obligor to owe the licensee, an agent of the licensee, or an affiliate of the licensee, including a corporation owned or managed by the licensee, an aggregate principal amount in excess of $100,000, unless permitted by rule, at any time for consumer legal fundings transacted pursuant to this Act.

(e) Any transaction that does not exactly meet the definition of a consumer legal funding under Section 5 is subject to the Interest Act and any other applicable law.

Section 15. Consumer legal funding company prohibitions. A consumer legal funding company shall not:

(1) pay or offer to pay commissions, referral fees, or other forms of consideration to any attorney, law firm, medical provider, chiropractic physician, or physical therapist or any of their employees or agents for referring a consumer to the company;

(2) accept any commissions, referral fees, rebates, or other forms of consideration from an attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees or agents;

(3) advertise materially false or misleading information regarding its products or services;

(4) refer, in furtherance of an initial consumer legal funding, a customer or potential customer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees; however, if a customer needs legal representation, the company may refer the customer to a local or State bar association referral service or to a legal aid organization;

(5) fail to supply a true copy of the executed contract to the attorney for the consumer upon execution and if the consumer or their attorney requests a copy;

(6) knowingly provide funding to a consumer who has previously assigned or sold a portion of the consumer's right to proceeds from his or her legal claim without first making payment to or purchasing a prior unsatisfied consumer legal funding company's entire funded amount and contracted charges, unless a lesser amount is otherwise agreed to in writing by the consumer legal funding companies, except that multiple companies may agree to contemporaneously provide funding to a consumer if the consumer and the consumer's attorney consent to the arrangement in writing;

(7) receive any right to, nor make any decisions with respect to, the conduct of the underlying legal claim or any settlement or resolution of the legal claim; the right to make such decisions shall remain solely with the consumer and the consumer's attorney in the legal claim; or

(8) knowingly pay or offer to pay for court costs, filing fees, or attorney's fees either during or after the resolution of the legal claim using funds from the consumer legal funding transaction.

Section 20. Satisfaction of the contract. A consumer legal funding company shall require the resolution amount to be set as a predetermined amount, based upon intervals of time from the date of origination of the funding through the date of resolution of the legal claim, and not be determined as a percentage of the recovery from the legal claim.

Section 25. Fees.

(a) The fee charged by a consumer legal funding company to the consumer shall be calculated as not more than 18% of the funded amount, assessed on the outset of every 6 months.

(b) In addition, a consumer legal funding company may charge a document preparation fee not to exceed $75, which may be deducted from the funded amount. This fee is to be used to defray the ordinary cost of opening, administering, and terminating a consumer legal funding.

(c) A consumer legal funding company shall not collect any additional fees unless otherwise specified in this Act.

(d) No charges may accrue on a consumer legal funding for more than 42 months after the funding date of the consumer legal funding. No consumer legal funding may be refinanced except as authorized by rule. Notwithstanding the foregoing, a consumer legal funding company may assess charges on any additional amounts provided after the funding date for 42 months after the additional funding date.

Section 30. Disclosures. All consumer legal funding contracts shall contain the disclosures specified in this Section, which shall constitute material terms of the contract. Unless otherwise specified, the disclosures shall be typed in at least 12-point bold-type font and be placed clearly and conspicuously within the contract as follows:

(1) On the front page under appropriate headings, language specifying:

(A) the funded amount to be paid to the consumer or on the consumer's behalf by the consumer legal funding company;

(B) an itemization of charges;

(C) the maximum total amount to be paid by the consumer to the company, including the funded amount and all fees; and

(D) a payment schedule to include the resolution amount, listing dates, and the amount due at the end of each 6-month period from the funding date, until the date the maximum amount is due to the company by the consumer to satisfy the amount due pursuant to the contract.

(2) Pursuant to the provisions set forth in paragraph (2) of subsection (a) of Section 10, within the body of the contract: "CONSUMER'S RIGHT TO CANCELLATION: You may cancel this contract without penalty or further obligation within 14 business days after the funding date if you either:

(A) return to the consumer legal funding company the full amount of the funds disbursed to you or on your behalf by delivering the company's uncashed check to the company's office in person; or

(B) place in the mail, by mail service materially equivalent to United States Postal Service certified mail, addressed to the company at the address specified in the contract, a notice of cancellation and include in such mailing a return of the full amount of funds disbursed to you or on your behalf in the form of the company's uncashed check or a registered or certified check or money order."

(3) Within the body of the contract: "The consumer legal funding company shall have no role in deciding whether, when, and how much the legal claim is settled for, however, the consumer and consumer's attorney must notify the company of the outcome of the legal claim by settlement or adjudication before the resolution date. The company may seek updated information about the status of the legal claim but in no event shall the company interfere with the independent professional judgment of the attorney in the handling of the legal claim or any settlement thereof."

(4) Within the body of the contract, in all capital letters in at least 12-point bold-type font contained within a box: "THE FUNDED AMOUNT AND AGREED-UPON CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM, AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. YOU WILL NOT OWE [INSERT NAME OF THE CONSUMER LEGAL FUNDING COMPANY] ANYTHING IF THERE ARE NO REMAINING PROCEEDS AVAILABLE FROM YOUR LEGAL CLAIM, UNLESS YOU OR YOUR ATTORNEY HAVE COMMITTED FRAUD AGAINST THE CONSUMER LEGAL FUNDING COMPANY."

(5) Located immediately above the place on the contract where the consumer's signature is required, in 12-point font: "Do not sign this contract before you read it completely or if it contains any blank spaces. You are entitled to a completely filled-in copy of the contract. Before you sign this contract, you should obtain the advice of an attorney. Depending on the circumstances, you may want to consult a tax, public or private benefits planning, or financial professional. You acknowledge that your attorney in the legal claim has provided no tax, public or private benefit planning, or financial advice regarding this transaction."

(6) The consumer legal funding company shall provide the consumer with information on accessing a financial coaching program no later than the funding date.

Section 35. Violations.

(a) Nothing in this Act shall be construed to restrict the exercise of powers or the performance of the duties of the Illinois Attorney General that he or she is authorized to exercise or perform by law.

(b) Any violation of this Act constitutes a violation of the Consumer Fraud and Deceptive Business Practices Act.

(c) The Illinois Attorney General may enforce a violation of this Act as an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

Section 40. Assignability; liens.

(a) The contingent right to receive an amount of the potential proceeds of a legal claim is assignable by a consumer.

(b) Only liens related to the legal claim, including attorney's liens, Medicare, or other statutory liens, shall take priority over any lien of the consumer legal funding company. All other liens shall take priority by normal operation of law.

(c) A consumer legal funding transaction does not constitute an assignment of a personal injury claim or chose in action.

(d) A consumer legal funding transaction does not constitute the assignment of any present right; the transaction constitutes the transfer of an unvested, contingent future interest in an amount of the potential proceeds of a legal claim or cause of action.

Section 45. Attorney prohibitions. An attorney or law firm retained by the consumer in the legal claim shall not have a financial interest in the consumer legal funding company offering consumer legal funding to that consumer. Additionally, any attorney who has referred the consumer to the consumer's retained attorney shall not have a financial interest in the consumer legal funding company offering consumer legal funding to that consumer. A consumer legal funding that violates this Section is null and void and no person or entity shall have any right to collect, attempt to collect, receive, or retain any funded amount or charges related to the consumer legal funding.

Section 50. Effect of communication on privileges. No communication between the consumer's attorney in the legal claim and the consumer legal funding company as it pertains to the consumer legal funding shall limit, waive, or abrogate the scope or nature of any statutory or common law privilege, including the work product doctrine and the attorney-client privilege.

Section 55. Consumer legal funding license scope.

(a) It shall be unlawful for any person or entity to operate as a consumer legal funding provider in this State except as authorized by this Act and without first having obtained a license in accordance with this Act. No person or entity may engage in any device, subterfuge, or pretense to evade the requirements of this Act. However, any company that has a license in good standing under the Consumer Installment Loan Act

on the effective date of this Act shall be entitled to make consumer legal fundings under the terms of this Act upon the effective date of this Act if that company files an application for a consumer legal funding license within 60 days after the Department issues forms for the filing of that application and until the Department approves or denies the application for a funding license. Any consumer legal funding contract made by any person or entity in violation of this subsection shall be null and void and the person or entity who entered into the consumer legal funding transaction shall have no right to collect, attempt to collect, receive, or retain any principal, interest, or charges related to the consumer legal funding transaction.

(b) The provisions of this Act do not apply to a bank, savings bank, savings association, or credit union organized under the laws of this State, any other state, or under the laws of the United States.

(c) Any consumer legal funding made by a person not licensed under this Act, including a person holding an inactive license, and not exempt under this Act shall be null and void, and no person or entity shall have any right to collect, attempt to collect, receive, or retain any principal, fee, interest, or charges related to the funding.

Section 60. Licensee name. No person, partnership, association, corporation, limited liability company, or other entity engaged in a business regulated by this Act shall operate the business under a name other than the real names of the entity and individuals conducting the business. The business may in addition operate under an assumed corporate name pursuant to the Business Corporation Act of 1983, an assumed limited liability company name pursuant to the Limited Liability Company Act, or an assumed business name pursuant to the Assumed Business Name Act.

Section 65. License application process; investigation.

(a) The Secretary may issue a license upon completion of all of the following:

(1) the filing of an application for a license with the Secretary or the Nationwide Multistate Licensing System and Registry as required by the Secretary;

(2) the filing with the Secretary of a listing of judgments entered against and bankruptcy petitions by the license applicant for the preceding 10 years;

(3) the filing of an audited balance sheet, including all footnotes prepared by a certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing standards; notwithstanding the requirements of this subsection, an applicant that is a subsidiary may submit audited consolidated financial statements of its parent, intermediary parent, or ultimate parent if the consolidated statements are supported by consolidating statements that include the applicant's financial statement; if the consolidating statements are unaudited, the applicant's chief financial officer shall attest to the applicant's financial statements disclosed in the consolidating statements; and

(4) an investigation of the averments required by Section 80, which investigation must allow the Secretary to issue positive findings stating that the financial responsibility, experience, character, and general fitness of the license applicant; of the members thereof if the license applicant is a partnership or association; of the officers and directors thereof if the license applicant is a corporation; and of the managers and members that retain any authority or responsibility under the operating agreement if the license applicant is a limited liability company are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purpose of this Act; if the Secretary does not so find, he or she shall not issue the license and shall notify the license applicant of the denial. The Secretary may impose conditions on a license if the Secretary determines that those conditions are necessary or appropriate. These conditions shall be imposed in writing and shall continue in effect for a period prescribed by the Secretary.

(b) All licenses shall be issued to the license applicant. Upon receipt of the license, a consumer legal funding licensee shall be authorized to engage in the business regulated by this Act. The license shall remain in full force and effect until it expires, it is surrendered by the licensee, or it is revoked or suspended as provided by this Act.

Section 70. License application form.

(a) An application for a consumer legal funding company license must be made in accordance with Section 65 and, if applicable, in accordance with requirements of the Nationwide Multistate Licensing System and Registry. The application shall be in writing, under oath, and on a form obtained from and

prescribed by the Secretary, or may be submitted electronically with attestation to the Nationwide Multistate Licensing System and Registry.

(b) The application shall contain the name and complete business and residential address or addresses of the license applicant. If the license applicant is a partnership, association, corporation, or other form of business organization, the application shall contain the names and complete business and residential addresses of each member, director, and principal officer of the business. The application shall also include a description of the activities of the license applicant in such detail and for such periods as the Secretary may require, including all of the following:

(1) an affirmation of financial solvency noting such capitalization requirements as may be required by the Secretary and access to such credit as may be required by the Secretary;

(2) an applicant shall prove in a form satisfactory to the Secretary that the applicant has and will maintain a positive net worth of a minimum of $30,000;

(3) an applicant shall submit to the Secretary with the application for a license and every licensee shall maintain a bond to be approved by the Secretary in which the applicant shall be the obligor, in the sum of $50,000 or such additional amount as required by the Secretary based on the amount of consumer legal fundings made, purchased, or serviced by the licensee in the previous year, and in which an insurance company that is duly authorized by this State to transact the business of fidelity and surety insurance shall be a surety. The surety bond shall run to the Secretary and shall be for the benefit of the Department and of any consumer who incurs damages as a result of any violation of this Act or rules adopted pursuant to this Act by a licensee;

(4) an affirmation that the license applicant or its members, directors, or principals, as may be appropriate, are at least 18 years of age;

(5) information as to the character, fitness, financial and business responsibility, background, experience, and criminal record of any:

(i) person, entity, or ultimate equitable owner that owns or controls, directly or indirectly, 10% or more of any class of stock of the license applicant;

(ii) person, entity, or ultimate equitable owner that is not a depository institution, as defined in Section 1007.50 of the Savings Bank Act, that lends, provides, or infuses, directly or indirectly, in any way, funds to or into a license applicant in an amount equal to or more than 10% of the license applicant's net worth;

(iii) person, entity, or ultimate equitable owner that controls, directly or indirectly, the election of 25% or more of the members of the board of directors of a license applicant; or

(iv) person, entity, or ultimate equitable owner that the Secretary finds influences management of the license applicant; the provisions of this subparagraph shall not apply to a public official serving on the board of directors of a State guaranty agency;

(6) upon written request by the licensee and notwithstanding the provisions of paragraphs (1), (2), and (3) of this subsection, the Secretary may permit the licensee to omit all or part of the information required by those paragraphs if instead of the omitted information, the licensee submits an affidavit stating that the information submitted on the licensee's previous renewal application is still true and accurate; the Department may adopt rules prescribing the form and content of the affidavit that are necessary to accomplish the purposes of this paragraph; and

(7) any other information as required by rule.

Section 75. License application; Nationwide Multistate Licensing System and Registry.

(a) Applicants for a license shall apply in a form prescribed by the Secretary. Each form shall contain content as set forth by rule, regulation, instruction, or procedure of the Department and may be changed or updated as necessary by the Department in order to carry out the purposes of this Act.

(b) In order to fulfill the purposes of this Act, the Secretary is authorized to establish relationships or contracts with the Nationwide Multistate Licensing System and Registry or other entities designated by the Nationwide Multistate Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this Act.

(c) In connection with an application for licensing, the applicant may be required, at a minimum, to furnish to the Nationwide Multistate Licensing System and Registry information concerning the applicant's identity, including personal history and experience in a form prescribed by the Nationwide Multistate Licensing System and Registry, including the submission of authorization for the Nationwide Multistate Licensing System and Registry and the Secretary to obtain:

(1) an independent credit report obtained from a consumer reporting agency described in Section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(p); and

(2) information related to any administrative, civil, or criminal findings by any governmental jurisdiction.

(d) For the purposes of this Section, and in order to reduce the points of contact that the Secretary may have to maintain for purposes of paragraph (2) of subsection (c), the Secretary may use the Nationwide Multistate Licensing System and Registry as a channeling agent for requesting and distributing information to and from any source as directed by the Secretary.

Section 80. Averments of applicant. Each application for license shall be accompanied by the following averments stating that the applicant:

(1) will file with the Secretary or Nationwide Multistate Licensing System and Registry, as applicable, any report or reports that it is required to file under any of the provisions of this Act when due;

(2) has not committed a crime against the law of this State, any other state, or of the United States involving moral turpitude or fraudulent or dishonest dealing, and that no final judgment has been entered against it in a civil action upon grounds of fraud, misrepresentation, or deceit that has not been previously reported to the Secretary;

(3) has not engaged in any conduct that would be cause for denial of a license;

(4) has not become insolvent;

(5) has not submitted an application for a license under this Act that contains a material misstatement;

(6) has not demonstrated by course of conduct, negligence or incompetence in performing any act for which it is required to hold a license under this Act;

(7) will advise the Secretary in writing or the Nationwide Multistate Licensing System and Registry, as applicable, of any changes to the information submitted on the most recent application for license or averments of record within 30 days after the change; the written notice must be signed in the same form as the application for the license being amended;

(8) will comply with the provisions of this Act and with any lawful order, rule, or regulation made or issued under the provisions of this Act;

(9) will submit to periodic examination by the Secretary as required by this Act; and

(10) will advise the Secretary in writing of judgments entered against and bankruptcy petitions by the license applicant within 5 days after the occurrence.

A licensee who fails to fulfill the obligations of an averment, fails to comply with averments made, or otherwise violates any of the averments made under this Section shall be subject to the penalties of this Act.

Section 85. Refusal to issue license. The Secretary may refuse to issue or renew a license if:

(1) it is determined that the applicant is not in compliance with any provisions of this Act;

(2) there is substantial continuity between the applicant and any violator of this Act; or

(3) the Secretary cannot make the findings specified in subsection (a) of Section 65.

Section 90. Closing of business; surrender of license. At least 10 days before a licensee ceases operations, closes business, or files for bankruptcy:

(1) The licensee shall notify the Department of its action in writing.

(2) With the exception of filing for bankruptcy, the licensee shall surrender its license to the Secretary for cancellation; the surrender of the license shall not affect the licensee's civil or criminal liability for acts committed before surrender or entitle the licensee to a return of any part of the annual license fee.

(3) The licensee shall notify the Department of the location where the books, accounts, contracts, and records will be maintained and the procedure to ensure prompt return of contracts, titles, and releases to the customers.

(4) The accounts, books, records, and contracts shall be maintained and serviced by the licensee or another licensee under this Act or an entity exempt from licensure under this Act.

(5) The Department shall have the authority to conduct examinations of the books, records, and funding documents at any time after surrender of the license, filing of bankruptcy, or the cessation of operations.

Section 95. License renewal; fees.

(a) Licenses shall be renewed every year using the common renewal date of the Nationwide Multistate Licensing System and Registry, as required by the Secretary. Properly completed renewal application forms and filing fees may be received by the Secretary 60 days before the license expiration date, but to be deemed timely the completed renewal application forms and filing fees must be received by the Secretary no later than 30 days before the license expiration date.

(b) It shall be the responsibility of each licensee to accomplish renewal of its license. Failure by a licensee to submit a properly completed renewal application form and fees in a timely fashion, absent a written extension from the Secretary, shall result in the license becoming inactive.

(c) No activity regulated by this Act shall be conducted by the licensee when a license becomes inactive. An inactive license may be reactivated by the Secretary upon payment of a renewal fee and payment of a reactivation fee equal to the renewal fee.

(d) A licensee ceasing an activity or activities regulated by this Act and desiring to no longer be licensed shall inform the Secretary in writing and, at the same time, convey any license issued and all other symbols or indicia of licensure. The licensee shall include a plan for the withdrawal from the regulated business, including a timetable for the disposition of the business, and comply with the surrender guidelines or rules of the Department. Upon receipt of such written notice, the Secretary shall post the cancellation or issue a certified statement canceling the license.

(e) The expenses of administering this Act, including investigations and examinations provided for in this Act, shall be borne by and assessed against entities regulated by this Act. The fees listed in this Section shall be payable to the Department or to the Nationwide Multistate Licensing System and Registry for transfer to the required recipients by the Secretary. The Secretary will specify the form of payment to the Department or to the Nationwide Multistate Licensing System and Registry, which may include certified check, money order, credit card, or other forms of payment authorized by the Secretary. The Nationwide Multistate Licensing System and Registry shall be authorized to collect and process transaction fees or other fees related to licensees or other persons subject to the Act.

(f) Applicants and licensees shall be subject to the following fees:

(1) For each application for an initial license, the applicant shall pay a nonrefundable initial application fee of $1,000 and a nonrefundable background investigation fee of $800.

(2) For each application for an annual renewal of a license, the applicant shall pay a nonrefundable renewal fee of $1,000. For each application for a renewal of an inactive license, the applicant shall pay the nonrefundable renewal fee of $1,000 and an additional nonrefundable reactivation fee equal to the renewal fee.

(3) The licensee shall pay a nonrefundable fee of $1,000 for each notice of change of ownership or control filed.

(4) The licensee shall pay a nonrefundable fee of $50 for each notice of change of officers or directors or change of name or address filed.

(5) Any licensee or person who delivers a check or other payment to the Department that is returned unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed, a fee of $50.

(6) Time expended in the conduct of any examination of the affairs of any licensee or its affiliates shall be billed by the Department at a rate of $510 per examiner day. Examination fees shall be billed following completion of the examination and shall be paid within 30 days after receipt of the billing.

(7) If out-of-state travel occurs in the conduct of any examination, the licensee shall make arrangements to reimburse the Department for all charges for services, including travel expenses, including airfare, hotel and per diem expenses incurred by the employee. These expenses are to be in accord with applicable travel regulations published by the Department of Central Management Services and approved by the Governor's Travel Control Board.

(8) Each licensee shall pay to the Department its pro rata share of the cost for administration of the Act that exceeds other fees listed in this Section, as estimated by the Department, for the current year and any deficit actually incurred in the administration of the Act in prior years. The calculation method for each licensee's pro rata share shall be established by rule.

(g) Beginning one year after the effective date of this Act, the Department may, by rule, amend the fees set forth in this Section.

Section 100. Secretary of Financial and Professional Regulation; functions and powers. The functions and powers of the Secretary shall include the following:

(1) to issue or refuse to issue any license as provided by this Act;

(2) to revoke or suspend for cause any license issued under this Act;

(3) to keep records of all licenses issued under this Act;

(4) to receive, consider, investigate, and act upon complaints made by any person in connection with any licensed consumer legal funding company in this State or unlicensed consumer legal funding activity;

(5) to prescribe the forms of and receive:

(A) applications for licenses; and

(B) all reports and all books and records required to be made by any licensee under this Act, including annual audited financial statements and annual reports of consumer legal funding activity;

(6) to subpoena documents and witnesses and compel their attendance and production, to administer oaths, and to require the production of any books, papers, or other materials relevant to any inquiry authorized by this Act;

(7) to issue orders against any person:

(A) if the Secretary has reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur;

(B) if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Secretary; or

(C) for the purpose of administering the provisions of this Act and any rule adopted in accordance with this Act;

(8) to address any inquiries to any licensee, or the officers of the licensee, in relation to the licensee's activities and conditions or any other matter connected with its affairs, and it shall be the duty of any licensee or person so addressed to promptly reply in writing to those inquiries; the Secretary may also require reports from any licensee at any time the Secretary chooses;

(9) to examine the books and records of every licensee under this Act;

(10) to enforce the provisions of this Act;

(11) to levy fees, fines, and charges for services performed in administering this Act; the aggregate of all fees collected by the Secretary on and after the effective date of this Act shall be paid promptly after receipt, accompanied by a detailed statement of fees paid, into the Financial Institutions Fund; the amounts deposited into that Fund shall be used for the ordinary and contingent expenses of the Department; nothing in this Act shall prevent the continuation of the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance of State officers by appropriation from the General Revenue Fund or any other fund;

(12) to appoint examiners, supervisors, experts, and special assistants as needed to effectively and efficiently administer this Act;

(13) to conduct hearings for the purpose of:

(A) appeals of orders of the Secretary;

(B) suspensions or revocations of licenses;

(C) fining of licensees or unlicensed persons or entities;

(D) investigating:

(i) complaints against licensees or unlicensed persons or entities; or

(ii) annual gross delinquency rates; and

(E) carrying out the purposes of this Act;

(14) to exercise visitorial power over a licensee;

(15) to enter into cooperative agreements with state regulatory authorities of other states to provide for examination of corporate offices or branches of those states and to accept reports of those examinations;

(16) to assign an examiner or examiners to monitor the affairs of a licensee with whatever frequency the Secretary determines appropriate and to charge the licensee for reasonable and necessary expenses of the Secretary if in the opinion of the Secretary an emergency exists or appears likely to occur;

(17) to impose civil penalties of up to $50 per day against a licensee for failing to respond to a regulatory request or reporting requirement; and

(18) to enter into agreements in connection with the Nationwide Multistate Licensing System and Registry.

Section 105. Other businesses.

(a) Upon application by the licensee and payment of a $500 fee, the Secretary may approve the conduct of other businesses not specifically permitted by this Act in the licensee's place of business, unless the Secretary finds that such conduct will conceal or facilitate evasion or violation of this Act. The Secretary's approval shall be in writing and shall describe the other businesses which may be conducted in the licensed office.

(b) The Department shall adopt and enforce such reasonable rules and regulations for the conduct of business under this Act in the same office with other businesses as may be necessary to prevent evasions or violations of this Act. The Secretary may investigate any business conducted in the licensed office.

Section 110. Financial Institution Fund. All moneys received by the Secretary under this Act in conjunction with the provisions relating to consumer legal funding companies shall be paid into the Financial Institution Fund and all expenses incurred by the Secretary under this Act in conjunction with the provisions relating to consumer legal funding companies shall be paid from the Financial Institution Fund.

Section 115. Examination; prohibited activities.

(a) The business affairs of a licensee under this Act shall be examined for compliance with this Act as often as the Secretary deems necessary and proper. The Department may adopt rules with respect to the frequency and manner of examination. The Secretary shall appoint a suitable person to perform an examination. The Secretary and his or her appointees may examine the entire books, records, documents, and operations of each licensee and its subsidiary, affiliate, or agent, and may examine any of the licensee's or its subsidiary's, affiliate's, or agent's officers, directors, employees, and agents under oath.

(b) The Secretary shall prepare a sufficiently detailed report of each licensee's examination, shall issue a copy of the report to each licensee's principals, officers, or directors, and shall take appropriate steps to ensure correction of violations of this Act.

(c) Affiliates of a licensee shall be subject to examination by the Secretary on the same terms as the licensee, but only when reports from or examination of a licensee provides for documented evidence of unlawful activity between a licensee and affiliate benefiting, affecting, or deriving from the activities regulated by this Act.

(d) The expenses of any examination of the licensee and affiliates shall be borne by the licensee and assessed by the Secretary as may be established by rule.

(e) Upon completion of the examination, the Secretary shall issue a report to the licensee. All confidential supervisory information, including the examination report and the work papers of the report, shall belong to the Secretary's office and may not be disclosed to anyone other than the licensee, law enforcement officials or other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or to a party presenting a lawful subpoena to the Department. The Secretary may, through the Attorney General, immediately appeal to the court of jurisdiction the disclosure of such confidential supervisory information and seek a stay of the subpoena pending the outcome of the appeal. Reports required of licensees by the Secretary under this Act and results of examinations performed by the Secretary under this Act shall be the property of only the Secretary, but may be shared with the licensee. Access under this Act to the books and records of each licensee shall be limited to the Secretary and his or her agents as provided in this Act and to the licensee and its authorized agents and designees. No other person shall have access to the books and records of a licensee under this Act. Any person upon whom a demand for production of confidential supervisory information is made, whether by subpoena, order, or other judicial or administrative process, must withhold production of the confidential supervisory information and must notify the Secretary of the demand, at which time the Secretary is authorized to intervene for the purpose of enforcing the limitations of this Section or seeking the withdrawal or termination of the attempt to compel production of the confidential supervisory information. The Secretary may impose any conditions and limitations on the disclosure of confidential supervisory information that are necessary to protect the confidentiality of that information. Except as authorized by the Secretary, no person obtaining access to confidential supervisory information may make a copy of the confidential supervisory information. The

Secretary may condition a decision to disclose confidential supervisory information on entry of a protective order by the court or administrative tribunal presiding in the particular case or on a written agreement of confidentiality. In a case in which a protective order or agreement has already been entered between parties other than the Secretary, the Secretary may nevertheless condition approval for release of confidential supervisory information upon the inclusion of additional or amended provisions in the protective order. The Secretary may authorize a party who obtained the records for use in one case to provide them to another party in another case, subject to any conditions that the Secretary may impose on either or both parties. The requester shall promptly notify other parties to a case of the release of confidential supervisory information obtained and, upon entry of a protective order, shall provide copies of confidential supervisory information to the other parties.

Section 120. Judicial review. All final administrative decisions of the Department under this Act, all amendments and modifications of final administrative decisions, and any rules adopted by the Department pursuant to this Act shall be subject to judicial review pursuant to the provisions of the Administrative Review Law.

Section 125. Subpoena power.

(a) The Secretary shall have the power to issue and to serve subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the production of all books, accounts, records, and other documents and materials relevant to an examination or investigation. The Secretary, or his or her duly authorized representative, shall have power to administer oaths and affirmations to any person.

(b) In the event of noncompliance with a subpoena or subpoena duces tecum issued or caused to be issued by the Secretary, the Secretary may, through the Attorney General, petition the circuit court of the county in which the person subpoenaed resides or has its principal place of business for an order requiring the subpoenaed person to appear and testify and to produce such books, accounts, records, and other documents as are specified in the subpoena duces tecum. The court may grant injunctive relief restraining the person from advertising, promoting, soliciting, entering into, offering to enter into, continuing, or completing any consumer legal funding transaction. The court may grant other relief, including, but not limited to, the restraint, by injunction or appointment of a receiver, of any transfer, pledge, assignment, or other disposition of the person's assets or any concealment, alteration, destruction, or other disposition of books, accounts, records, or other documents and materials as the court deems appropriate, until the person has fully complied with the subpoena or subpoena duces tecum and the Secretary has completed an investigation or examination.

(c) If it appears to the Secretary that the compliance with a subpoena or subpoena duces tecum issued or caused to be issued by the Secretary pursuant to this Section is essential to an investigation or examination, the Secretary may, in addition to the other remedies provided for in this Act, through the Attorney General, apply for relief to the circuit court of the county in which the subpoenaed person resides or has its principal place of business. The court shall thereupon direct the issuance of an order against the subpoenaed person requiring sufficient bond conditioned on compliance with the subpoena or subpoena duces tecum. The court shall cause to be endorsed on the order a suitable amount of bond or payment pursuant to which the person named in the order shall be freed, having a due regard to the nature of the case.

(d) In addition, the Secretary may, through the Attorney General, seek a writ of attachment or an equivalent order from the circuit court having jurisdiction over the person who has refused to obey a subpoena, who has refused to give testimony, or who has refused to produce the matters described in the subpoena duces tecum.

Section 130. Report required of licensee. In addition to any reports required under this Act, every licensee shall file any other report that the Secretary requires.

Section 135. Suspension; revocation of licenses; fines.

(a) Upon written notice to a licensee, the Secretary may suspend or revoke any license issued pursuant to this Act if, in the notice, he or she makes a finding of one or more of the following:

(1) that through separate acts or an act or a course of conduct, the licensee has violated any provisions of this Act, any rule adopted by the Department, or any other law, rule, or regulation of this State or the United States;

(2) that any fact or condition exists that, if it had existed at the time of the original application for the license, would have warranted the Secretary in refusing originally to issue the license; or

(3) that if a licensee is other than an individual, any ultimate equitable owner, officer, director, or member of the licensed partnership, association, corporation, or other entity has acted or failed to act in a way that would be cause for suspending or revoking a license to that party as an individual.

(b) No license shall be suspended or revoked, except as provided in this Section, nor shall any licensee be fined without notice of his or her right to a hearing as provided in subsection (n).

(c) The Secretary, on good cause shown that an emergency exists, may suspend any license for a period not exceeding 180 days, pending investigation.

(d) The provisions of subsection (d) of Section 95 shall not affect a licensee's civil or criminal liability for acts committed before surrender of a license.

(e) No revocation, suspension, or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any person.

(f) Every license issued under this Act shall remain in force and effect until the license expires without renewal, is surrendered, is revoked, or is suspended in accordance with the provisions of this Act, but the Secretary shall have authority to reinstate a suspended license or to issue a new license to a licensee whose license has been revoked if no fact or condition then exists which would have warranted the Secretary in refusing originally to issue that license under this Act.

(g) Whenever the Secretary revokes or suspends a license issued pursuant to this Act or fines a licensee under this Act, he or she shall execute a written order to that effect. The Secretary shall serve a copy of the order upon the licensee. Any such order may be reviewed in the manner provided by Section 170.

(h) If the Secretary finds any person in violation of the grounds set forth in subsection (p), he or she may enter an order imposing one or more of the following penalties:

(1) revocation of license;

(2) suspension of a license subject to reinstatement upon satisfying all reasonable conditions the Secretary may specify;

(3) placement of the licensee or applicant on probation for a period of time and subject to all reasonable conditions as the Secretary may specify;

(4) issuance of a reprimand;

(5) imposition of a fine not to exceed $25,000 for each count of separate offense; except that a fine may be imposed that shall not exceed $75,000 for each separate count of offense in violation of paragraph (2) of subsection (i);

(6) denial of a license; or

(7) restitution for the benefit of consumers.

(i) The Secretary may, after 10 days' notice by certified mail to the licensee at the address set forth in the license stating the contemplated action and in general the grounds therefor, fine the licensee an amount not exceeding $10,000 per violation or revoke or suspend any license issued under this Act if he or she finds that:

(1) the licensee has failed to comply with any provision of this Act, any rule adopted pursuant to this Act, or any order, decision, finding, or direction of the Secretary lawfully made pursuant to the authority of this Act; or

(2) any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the Secretary in refusing to issue the license.

(j) The Secretary may fine, suspend, or revoke only the particular license with respect to which grounds for the fine, revocation, or suspension occur or exist, but if the Secretary finds that grounds for revocation are of general application to all offices or to more than one office of the licensee, the Secretary shall fine, suspend, or revoke every license to which the grounds apply.

(k) No revocation, suspension, or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any obligor.

(l) The Secretary may issue a new license to a licensee whose license has been revoked when facts or conditions which clearly would have warranted the Secretary in refusing originally to issue the license no longer exist.

(m) In every case in which a license is suspended or revoked or an application for a license or renewal of a license is denied, the Secretary shall serve the licensee with notice of his or her action, including a

statement of the reasons for his or her actions, either personally or by certified mail. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. mail.

(n) An order assessing a fine, an order revoking or suspending a license, or an order denying renewal of a license shall take effect upon service of the order unless the licensee requests a hearing, in writing, within 10 days after the date of service. If a hearing is requested, the order shall be stayed until a final administrative order is entered.

(1) If the licensee requests a hearing, the Secretary shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

(2) The hearing shall be held at the time and place designated by the Secretary. The Secretary and any administrative law judge designated by him or her shall have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that he or she considers relevant or material to the inquiry.

(o) The costs of administrative hearings conducted pursuant to this Section shall be paid by the licensee.

(p) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (h) may be taken:

(1) being convicted or found guilty, regardless of pendency of an appeal, of a crime in any jurisdiction that involves fraud, dishonest dealing, or any other act of moral turpitude;

(2) fraud, misrepresentation, deceit, or negligence in any relation to any consumer legal funding;

(3) a material or intentional misstatement of fact on an initial or renewal application;

(4) insolvency or filing under any provision of the United States Bankruptcy Code as a debtor;

(5) failure to account or deliver to any person any property, such as any money, fund, deposit, check, draft, or other document or thing of value, that has come into his or her hands and that is not his or her property or that he or she is not in law or equity entitled to retain, under the circumstances and at the time which has been agreed upon or is required by law, or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery;

(6) failure to disburse funds in accordance with agreements;

(7) having a license, or the equivalent, to practice any profession or occupation revoked, suspended, or otherwise acted against, including the denial of licensure by a licensing authority of this State or another state, territory, or country, for fraud, dishonest dealing, or any other act of moral turpitude;

(8) failure to comply with an order of the Secretary or rule adopted under the provisions of this Act;

(9) engaging in activities regulated by this Act without a current, active license unless specifically exempted by this Act;

(10) failure to pay in a timely manner any fee, charge, or fine under this Act;

(11) failure to maintain, preserve, and keep available for examination all books, accounts, or other documents required by the provisions of this Act and the rules of the Department;

(12) refusing, obstructing, evading, or unreasonably delaying an investigation, information request, or examination authorized under this Act, or refusing, obstructing, evading, or unreasonably delaying compliance with the Secretary's subpoena or subpoena duces tecum;

(13) failure to comply with or a violation of any provision of this Act; and

(14) any unfair, deceptive, or abusive business practice.

(q) A licensee shall be subject to the disciplinary actions specified in this Act for violations of subsection (i) by any officer, director, shareholder, joint venture, partner, ultimate equitable owner, or employee of the licensee.

(r) A licensee shall be subject to suspension or revocation for unauthorized employee actions only if there is a pattern of repeated violations by employees, the licensee has knowledge of the violations, or there is substantial harm to a consumer. A licensee may be subject to fine for employee actions, whether authorized or unauthorized, whether there is a pattern of repeated violations or no pattern of repeated violations.

(s) Any licensee may submit an application to surrender a license, but, upon the Secretary approving the surrender, it shall not affect the licensee's civil or criminal liability for acts committed before surrender or entitle the licensee to a return of any part of the license fee.

Section 140. Investigation of complaints. The Secretary may receive, record, and investigate complaints and inquiries made by any person concerning this Act and any licensees under this Act. Each licensee shall open its books, records, documents, and offices wherever situated to the Secretary or his or her appointees as needed to facilitate such investigations.

Section 145. Additional investigation and examination authority. In addition to any authority allowed under this Act, the Secretary shall have the authority to conduct investigations and examinations as follows:

(1) For purposes of initial licensing, license renewal, license suspension, license conditioning, license revocation or termination, or general or specific inquiry or investigation to determine compliance with this Act, the Secretary shall have the authority to access, receive, and use any books, accounts, records, files, documents, information, or evidence, including, but not limited to, the following:

(A) criminal, civil, and administrative history information, including nonconviction data as specified in the Criminal Code of 2012;

(B) personal history and experience information, including independent credit reports obtained from a consumer reporting agency described in Section 603(p) of the federal Fair Credit Reporting Act; and

(C) any other documents, information, or evidence the Secretary deems relevant to the inquiry or investigation, regardless of the location, possession, control, or custody of the documents, information, or evidence.

(2) For the purposes of investigating violations or complaints arising under this Act or for the purposes of examination, the Secretary may review, investigate, or examine any licensee, individual, or person subject to this Act as often as necessary in order to carry out the purposes of this Act. The Secretary may direct, subpoena, or order the attendance of and examine under oath all persons whose testimony may be required about the consumer legal fundings or the business or subject matter of any such examination or investigation, and may direct, subpoena, or order the person to produce books, accounts, records, files, and any other documents the Secretary deems relevant to the inquiry.

(3) Each licensee, individual, or person subject to this Act shall make available to the Secretary upon request the books and records relating to the operations of the licensee, individual, or person subject to this Act. The Secretary shall have access to those books and records and may interview the officers, principals, employees, independent contractors, agents, and customers of the licensee, individual, or person subject to this Act concerning their business.

(4) Each licensee, individual, or person subject to this Act shall make or compile reports or prepare other information as directed by the Secretary in order to carry out the purposes of this Section, including, but not limited to:

(A) accounting compilations;

(B) information lists and data concerning consumer legal fundings in a format prescribed by the Secretary; or

(C) other information deemed necessary to carry out the purposes of this Section.

(5) In making any examination or investigation authorized by this Act, the Secretary may control access to any documents and records of the licensee or person under examination or investigation. The Secretary may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, no person shall remove or attempt to remove any of the documents or records, except pursuant to a court order or with the consent of the Secretary. Unless the Secretary has reasonable grounds to believe the documents or records of the licensee have been or are at risk of being altered or destroyed for purposes of concealing a violation of this Act, the licensee or owner of the documents and records shall have access to the documents or records as necessary to conduct its ordinary business affairs.

(6) In order to carry out the purposes of this Section, the Secretary may:

(A) retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

(B) enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources,

standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this Section;

(C) use, hire, contract, or employ publicly or privately available analytical systems, methods, or software to examine or investigate the licensee, individual, or person subject to this Act;

(D) accept and rely on examination or investigation reports made by other government officials within or outside this State; or

(E) accept audit reports made by an independent certified public accountant for the licensee, individual, or person subject to this Act in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation, or other writing of the Secretary.

(7) The authority of this Section shall remain in effect if a licensee, individual, or person subject to this Act acts or claims to act under any licensing or registration law of this State or claims to act without the authority.

(8) No licensee, individual, or person subject to investigation or examination under this Section may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

Section 150. Confidential information. In hearings conducted under this Act, information presented into evidence that was acquired by the licensee when serving any individual in connection with a consumer legal funding, including all financial information of the individual, shall be deemed strictly confidential and shall be made available only as part of the record of a hearing under this Act or otherwise (i) when the record is required, in its entirety, for purposes of judicial review or (ii) upon the express written consent of the individual served, or in the case of his or her death or disability, the consent of his or her personal representative.

Section 155. Information sharing. In order to promote more effective regulation and reduce regulatory burden through supervisory information sharing:

(1) Except as otherwise provided in any federal law or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry, any privilege arising under federal or State law, including the rules of any federal or State court, with respect to such information or material shall continue to apply to information or material after the information or material has been disclosed to the Nationwide Mortgage Licensing System and Registry. The information and material may be shared with all State and federal regulatory officials with relevant oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or State law.

(2) The Secretary is authorized to enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, or other associations representing governmental agencies as established by rule or order of the Department. The sharing of confidential supervisory information or any information or material described in paragraph (1) pursuant to an agreement or sharing arrangement shall not result in the loss of privilege or the loss of confidentiality protections provided by federal law or State law.

(3) Information or material that is subject to a privilege or confidentiality under paragraph (1) shall not be subject to the following:

(A) disclosure under any State law governing the disclosure to the public of information held by an officer or an agency of the State; or

(B) subpoena, discovery, or admission into evidence in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry with respect to the information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of that person, that privilege.

(4) Any other law relating to the disclosure of confidential supervisory information or any information or material described in paragraph (1) that is inconsistent with paragraph (1) shall be superseded by the requirements of this Section to the extent the other law provides less confidentiality or a weaker privilege.

Section 160. Reports of violations. Any person licensed under this Act or any other person may report to the Secretary any information to show that a person subject to this Act is or may be in violation of this Act. A person who files a report with the Department that a licensee is engaged in one or more violations pursuant to this Act shall not be the subject of disciplinary action by the Department, unless the Department determines, by a preponderance of the evidence available to the Department, that the reporting person knowingly and willingly participated in the violation that was reported.

Section 165. Rules of the Department.

(a) In addition to such powers as may be prescribed by this Act, the Department is hereby authorized and empowered to adopt rules consistent with the purposes of this Act, including, but not limited to:

(1) rules in connection with the activities of licensees or unlicensed consumer legal funding companies as may be necessary and appropriate for the protection of consumers in this State;

(2) rules as may be necessary and appropriate to define improper or fraudulent business practices in connection with the activities of licensees in servicing consumer legal fundings;

(3) rules that define the terms used in this Act and as may be necessary and appropriate to interpret and implement the provisions of this Act; and

(4) rules as may be necessary for the enforcement and administration of this Act.

(b) The Secretary is hereby authorized and empowered to make specific rulings, demands, and findings that he or she deems necessary for the proper conduct of the consumer legal funding company industry.

Section 170. Appeal and review.

(a) The Department may, in accordance with the Illinois Administrative Procedure Act, adopt rules to provide for review within the Department of the Secretary's decisions affecting the rights of persons or entities under this Act. The review shall provide for, at a minimum:

(1) appointment of a hearing officer other than a regular employee of the Department;

(2) appropriate procedural rules, specific deadlines for filings, and standards of evidence and of proof; and

(3) provision for apportioning costs among parties to the appeal.

(b) All final agency determinations of appeals to decisions of the Secretary may be reviewed in accordance with and under the provisions of the Administrative Review Law. Appeals from all final orders and judgments entered by a court in review of any final administrative decision of the Secretary or of any final agency review of a decision of the Secretary may be taken as in other civil cases.

Section 175. Collection of compensation. Unless exempt from licensure under this Act, no person engaged in or offering to engage in any act or service for which a license under this Act is required may bring or maintain any action in any court of this State to collect compensation for the performance of the licensable services without alleging and proving that he or she was the holder of a valid consumer legal funding company license under this Act at all times during the performance of those services.

Section 180. Cease and desist order.

(a) The Secretary may issue a cease and desist order to any licensee or other person doing business without the required license, when in the opinion of the Secretary the licensee or other person is violating or is about to violate any provision of this Act or any rule or requirement imposed in writing by the Department as a condition of granting any authorization permitted by this Act. The cease and desist order permitted by this Section may be issued before a hearing.

(b) The Secretary shall serve notice of his or her action, including, but not limited to, a statement of the reasons for the action, either personally or by certified mail. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. Mail.

(c) Within 10 days after service of the cease and desist order, the licensee or other person may request a hearing in writing. The Secretary shall schedule a hearing within 90 days after the request for a hearing unless otherwise agreed to by the parties.

(d) If it is determined that the Secretary had the authority to issue the cease and desist order, he or she may issue such orders as may be reasonably necessary to correct, eliminate, or remedy the conduct.

(e) The powers vested in the Secretary by this Section are in addition to any and all other powers and remedies vested in the Secretary by law, and nothing in this Section shall be construed as requiring that the

Secretary shall employ the power conferred in this subsection instead of or as a condition precedent to the exercise of any other power or remedy vested in the Secretary.

Section 185. Injunction. The Secretary may, through the Attorney General, maintain an action in the name of the people of the State of Illinois and may apply for an injunction in the circuit court to enjoin a person from violating this Act or engaging in unlicensed consumer legal funding activity.

Section 190. Pledge or sale of consumer legal funding.

(a) No licensee or other person shall pledge, hypothecate, or sell a consumer legal funding entered into under the provisions of this Act by a consumer except to another licensee under this Act, a bank, savings bank, savings and loan association, or credit union created under the laws of this State or the United States, or to other persons or entities authorized by the Secretary in writing. Sales of such notes by licensees under this Act or other persons shall be made by agreement in writing and shall authorize the Secretary to examine the consumer legal funding documents so hypothecated, pledged, or sold.

(b) A consumer may pay the original consumer legal funding company until he or she receives notification of assignment of rights to payment pursuant to a consumer legal funding and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the consumer, the assignee shall seasonably furnish reasonable proof that the assignment has been made and, unless the assignee does so, the consumer may pay the original consumer legal funding company.

(c) An assignee of the rights of the consumer legal funding company is subject to all claims and defenses of the consumer against the consumer legal funding company arising from the consumer legal funding. A claim or defense of a consumer may be asserted against the assignee under this Section only if the consumer has made a good faith attempt to obtain satisfaction from the consumer legal funding company with respect to the claim or defense and then only to the extent of the amount owing to the assignee with respect to the consumer legal funding company claim or defense that arose at the time the assignee has notice of the claim or defense. Notice of the claim or defense may be given before the attempt specified in this subsection. Oral notice is effective unless the assignee requests written confirmation when or promptly after oral notice is given and the consumer fails to give the assignee written confirmation within the period of time, not less than 14 days, stated to the consumer when written confirmation is requested. An agreement may not limit or waive the claims or defenses of a consumer under this Section.

Section 195. Penalties. Any person who engages in business as a licensee without the license required by this Act commits a Class 4 felony.

Section 200. Civil action. A claim of violation of this Act may be asserted in a civil action. Additionally, a prevailing consumer may be awarded reasonable attorney's fees and court costs.

Section 205. Evasion. An agreement, contract, or transaction that is structured to evade the definition of consumer legal funding shall be deemed a consumer legal funding for the purposes of this Act.

Section 210. Severability. If any clause, sentence, provision, or part of this Act or its application to any person or circumstance is adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, that judgment shall not impair, affect, or invalidate other provisions or applications of this Act, which shall remain in full force and effect thereafter.

Section 905. The Interest Act is amended by changing Section 4 as follows:

(815 ILCS 205/4) (from Ch. 17, par. 6404)

Sec. 4. General interest rate.

(1) Except as otherwise provided in Section 4.05, in all written contracts it shall be lawful for the parties to stipulate or agree that an annual percentage rate of 9%, or any less sum, shall be taken and paid upon every $100 of money loaned or in any manner due and owing from any person to any other person or corporation in this state, and after that rate for a greater or less sum, or for a longer or shorter time, except as herein provided.

The maximum rate of interest that may lawfully be contracted for is determined by the law applicable thereto at the time the contract is made. Any provision in any contract, whether made before or after July 1,

1969, which provides for or purports to authorize, contingent upon a change in the Illinois law after the contract is made, any rate of interest greater than the maximum lawful rate at the time the contract is made, is void.

It is lawful for a state bank or a branch of an out-of-state bank, as those terms are defined in Section 2 of the Illinois Banking Act, to receive or to contract to receive and collect interest and charges at any rate or rates agreed upon by the bank or branch and the borrower. It is lawful for a savings bank chartered under the Savings Bank Act or a savings association chartered under the Illinois Savings and Loan Act of 1985 to receive or contract to receive and collect interest and charges at any rate agreed upon by the savings bank or savings association and the borrower.

It is lawful to receive or to contract to receive and collect interest and charges as authorized by this Act and as authorized by the Consumer Installment Loan Act, the Payday Loan Reform Act, the Retail Installment Sales Act, the Illinois Financial Services Development Act, ~~or~~ the Motor Vehicle Retail Installment Sales Act, or the Consumer Legal Funding Act. It is lawful to charge, contract for, and receive any rate or amount of interest or compensation, except as otherwise provided in the Predatory Loan Prevention Act, with respect to the following transactions:

(a) Any loan made to a corporation;

(b) Advances of money, repayable on demand, to an amount not less than $5,000, which are made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds or other negotiable instruments pledged as collateral security for such repayment, if evidenced by a writing;

(c) Any credit transaction between a merchandise wholesaler and retailer; any business loan to a business association or copartnership or to a person owning and operating a business as sole proprietor or to any persons owning and operating a business as joint venturers, joint tenants or tenants in common, or to any limited partnership, or to any trustee owning and operating a business or whose beneficiaries own and operate a business, except that any loan which is secured (1) by an assignment of an individual obligor's salary, wages, commissions or other compensation for services, or (2) by his household furniture or other goods used for his personal, family or household purposes shall be deemed not to be a loan within the meaning of this subsection; and provided further that a loan which otherwise qualifies as a business loan within the meaning of this subsection shall not be deemed as not so qualifying because of the inclusion, with other security consisting of business assets of any such obligor, of real estate occupied by an individual obligor solely as his residence. The term "business" shall be deemed to mean a commercial, agricultural or industrial enterprise which is carried on for the purpose of investment or profit, but shall not be deemed to mean the ownership or maintenance of real estate occupied by an individual obligor solely as his residence;

(d) Any loan made in accordance with the provisions of Subchapter I of Chapter 13 of Title 12 of the United States Code, which is designated as "Housing Renovation and Modernization";

(e) Any mortgage loan insured or upon which a commitment to insure has been issued under the provisions of the National Housing Act, Chapter 13 of Title 12 of the United States Code;

(f) Any mortgage loan guaranteed or upon which a commitment to guaranty has been issued under the provisions of the Veterans' Benefits Act, Subchapter II of Chapter 37 of Title 38 of the United States Code;

(g) Interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, or registered under the Illinois Securities Law of 1953, approved July 13, 1953, as now or hereafter amended, on a debit balance in an account for a customer if such debit balance is payable at will without penalty and is secured by securities as defined in Uniform Commercial Code-Investment Securities;

(h) Any loan made by a participating bank as part of any loan guarantee program which provides for loans and for the refinancing of such loans to medical students, interns and residents and which are guaranteed by the American Medical Association Education and Research Foundation;

(i) Any loan made, guaranteed, or insured in accordance with the provisions of the Housing Act of 1949, Subchapter III of Chapter 8A of Title 42 of the United States Code and the Consolidated Farm and Rural Development Act, Subchapters I, II, and III of Chapter 50 of Title 7 of the United States Code;

(j) Any loan by an employee pension benefit plan, as defined in Section 3 (2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an individual participating in such plan, provided that such loan satisfies the prohibited transaction exemption requirements of

Section 408 (b) (1) (29 U.S.C.A. Sec. 1108 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d) (1)) of the Employee Retirement Income Security Act of 1974;

(k) Written contracts, agreements or bonds for deed providing for installment purchase of real estate, including a manufactured home as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code that is real property as defined in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act;

(l) Loans secured by a mortgage on real estate, including a manufactured home as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code that is real property as defined in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act;

(m) Loans made by a sole proprietorship, partnership, or corporation to an employee or to a person who has been offered employment by such sole proprietorship, partnership, or corporation made for the sole purpose of transferring an employee or person who has been offered employment to another office maintained and operated by the same sole proprietorship, partnership, or corporation;

(n) Loans to or for the benefit of students made by an institution of higher education.

(2) Except for loans described in subparagraph (a), (c), (d), (e), (f) or (i) of subsection (1) of this Section, and except to the extent permitted by the applicable statute for loans made pursuant to Section 4a or pursuant to the Consumer Installment Loan Act:

(a) Whenever the rate of interest exceeds an annual percentage rate of 8% on any written contract, agreement or bond for deed providing for the installment purchase of residential real estate, or on any loan secured by a mortgage on residential real estate, it shall be unlawful to provide for a prepayment penalty or other charge for prepayment.

(b) No agreement, note or other instrument evidencing a loan secured by a mortgage on residential real estate, or written contract, agreement or bond for deed providing for the installment purchase of residential real estate, may provide for any change in the contract rate of interest during the term thereof. However, if the Congress of the United States or any federal agency authorizes any class of lender to enter, within limitations, into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, any person, firm, corporation or other entity not otherwise prohibited from entering into mortgage contracts or written contracts, agreements or bonds for deed in Illinois may enter into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, within the same limitations.

(3) In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on which the total indebtedness, with the exception of late payment penalties, is paid in full.

(4) For purposes of this Section, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to 1/360 of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act, but shall not apply to contracts or loans entered into on or after that date that are subject to Section 4a of this Act, the Consumer Installment Loan Act, the Payday Loan Reform Act, the Predatory Loan Prevention Act, or the Retail Installment Sales Act, or that provide for the refund of precomputed interest on prepayment in the manner provided by such Act.

(5) For purposes of items (a) and (c) of subsection (1) of this Section, a rate or amount of interest may be lawfully computed when applying the ratio of the annual interest rate over a year based on 360 days. The provisions of this amendatory Act of the 96th General Assembly are declarative of existing law.

(6) For purposes of this Section, "real estate" and "real property" include a manufactured home, as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code that is real property as defined in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act. (Source: P.A. 101-658, eff. 3-23-21.)

Section 910. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2AAAA as follows:

(815 ILCS 505/2AAAA new)

Sec. 2AAAA. Violations of the Consumer Legal Funding Act. Any person who violates the Consumer Legal Funding Act commits an unlawful practice within the meaning of this Act.

Section 999. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 1099**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2565

A bill for AN ACT concerning criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 2565

Passed the House, as amended, March 29, 2022.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 2565

AMENDMENT NO. 2 . Amend Senate Bill 2565 by replacing everything after the enacting clause with the following:

"Section 5. The Drug Court Treatment Act is amended by changing Sections 5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 as follows:

(730 ILCS 166/5)

Sec. 5. Purposes. The General Assembly recognizes that individuals struggling with substance use disorders may come into contact with the criminal justice system and be charged with felony or misdemeanor offenses. The General Assembly also recognizes that substance use disorders and mental illness co-occur in a substantial percentage of criminal defendants ~~the use and abuse of drugs has a dramatic effect on the criminal justice system in the State of Illinois~~. There is a critical need for the ~~a~~ criminal justice system to recognize individuals struggling with these issues, provide alternatives to incarceration to address substance use disorders when possible, and provide appropriate access to treatment and support to such individuals ~~program that will reduce the incidence of drug use, drug addiction, and crimes committed as a result of drug use and drug addiction~~. It is the intent of the General Assembly to create specialized drug courts, in accordance with evidence-based practices and the Illinois Supreme Court Problem-Solving Court Standards for addressing substance use and co-occurring disorders, with the necessary flexibility to meet the needs for an array of services and supports among participants in certified drug court programs ~~the drug problems~~ in the State of Illinois.

(Source: P.A. 92-58, eff. 1-1-02.)

(730 ILCS 166/10)

Sec. 10. Definitions. As used in this Act:

"Certification" means the process by which a problem-solving court obtains approval from the Supreme Court to operate in accordance with the Problem-Solving Court Standards.

"Clinical treatment plan" means an evidence-based, comprehensive, and individualized plan that: (i) is developed by a qualified professional in accordance with the Department of Human Services substance use prevention and recovery rules under 77 Ill. Adm. Code 2060 or an equivalent standard in any state where

treatment may take place; and (ii) defines the scope of treatment services to be delivered by a court treatment provider.

"Combination drug court program" means a type of problem-solving court that allows an individual to enter a problem-solving court before a plea, conviction, or disposition while also permitting an individual who has admitted guilt, or been found guilty, to enter a problem-solving court as a part of the individual's sentence or disposition.

"Community behavioral health center" means a physical site where behavioral healthcare services are provided in accordance with the Community Behavioral Health Center Infrastructure Act.

"Community mental health center" means an entity:

(1) licensed by the Department of Public Health as a community mental health center in accordance with the conditions of participation for community mental health centers established by the Centers for Medicare and Medicaid Services; and

(2) that provides outpatient services, including specialized outpatient services, for individuals who are chronically mental ill.

"Co-occurring mental health and substance use disorders court program" means a program that includes an individual with co-occurring mental illness and substance use disorder diagnoses and professionals with training and experience in treating individuals with diagnoses of substance use disorder and mental illness.

"Drug court", "drug court program", "court", or "program" means a specially designated court, court calendar, or docket facilitating intensive therapeutic treatment to monitor and assist participants with substance use disorders in making positive lifestyle changes and reducing the rate of recidivism. Drug court programs are nonadversarial in nature and bring together substance use disorder professionals, local social programs, and monitoring in accordance with the nationally recommended 10 key components of drug courts and the Problem-Solving Court Standards. Common features of a drug court program include, but are not limited to, a designated judge and staff; specialized intake and screening procedures; coordinated treatment procedures administered by a trained, multidisciplinary professional team; close evaluation of participants, including continued assessments and modification of the court requirements and use of sanctions, incentives, and therapeutic adjustments to address behavior; frequent judicial interaction with participants; less formal court process and procedures; voluntary participation; and a low treatment staff-to-client ratio. ~~an immediate and highly structured judicial intervention process for substance abuse treatment of eligible defendants that brings together substance abuse professionals, local social programs, and intensive judicial monitoring in accordance with the nationally recommended 10 key components of drug courts.~~

"Drug court professional" means a member of the drug court team, including but not limited to a judge, prosecutor, defense attorney, probation officer, coordinator, or treatment provider~~, or peer recovery coach~~.

"Peer recovery coach" means a mentor assigned to a defendant during participation in a drug treatment court program who has been trained by the court, a service provider used by the court for substance use disorder or mental health treatment, a local service provider with an established peer recovery coach or mentor program not otherwise used by the court for treatment, or a Certified Recovery Support Specialist certified by the Illinois Certification Board. "Peer recovery coach" includes individuals with lived experiences of the issues the problem-solving court seeks to address, including, but not limited to, substance use disorder, mental illness, and co-occurring disorders or involvement with the criminal justice system. "Peer recovery coach" includes individuals required to guide and mentor the participant to successfully complete assigned requirements and to facilitate participants' independence for continued success once the supports of the court are no longer available to them.

"Post-adjudicatory drug court program" means a program that allows an individual who has admitted guilt or has been found guilty, with the defendant's consent, and the approval of the court, to enter a drug court program as part of the defendant's sentence or disposition.

"Pre-adjudicatory drug court program" means a program that allows the defendant, with the defendant's consent and the approval of the court, to enter the drug court program before plea, conviction, or disposition and requires successful completion of the drug court program as part of the agreement.

"Problem-Solving Court Standards" means the statewide standards adopted by the Supreme Court that set forth the minimum requirements for the planning, establishment, certification, operation, and evaluation of all problem-solving courts in this State.

"Validated clinical assessment" means a validated assessment tool administered by a qualified clinician to determine the treatment needs of participants. "Validated clinical assessment" includes assessment tools required by public or private insurance.

~~"Pre-adjudicatory drug court program" means a program that allows the defendant, with the consent of the prosecution, to expedite the defendant's criminal case before conviction or before filing of a criminal case and requires successful completion of the drug court program as part of the agreement.~~

~~"Post-adjudicatory drug court program" means a program in which the defendant has admitted guilt or has been found guilty and agrees, along with the prosecution, to enter a drug court program as part of the defendant's sentence.~~

~~"Combination drug court program" means a drug court program that includes a pre-adjudicatory drug court program and a post-adjudicatory drug court program.~~

(Source: P.A. 97-946, eff. 8-13-12.)

(730 ILCS 166/15)

Sec. 15. Authorization.

(a) The Chief Judge of each judicial circuit may ~~must~~ establish a drug court program in compliance with the Problem-Solving Court Standards. At the discretion of the Chief Judge, the drug court program may be operated in one or more counties of the circuit and allow defendants from all counties within the circuit to participate. Drug court programs must be certified by the Illinois Supreme Court ~~including the format under which it operates under this Act~~.

(b) Whenever the county boards of 2 or more counties within the same judicial circuit ~~shall~~ determine that a single drug court program would best serve those counties, the county board of each such county may ~~shall~~ adopt a resolution to the effect that there shall be a single drug court program serving those counties, and shall provide a copy of the resolution to the Chief Judge of the judicial circuit. Upon receipt of such a resolution, ~~those resolutions,~~ the Chief Judge may ~~shall~~ establish or, in the case of an existing drug court program, reorganize ~~re-organize~~ a single drug court program to serve those counties.

(c) (Blank). ~~Upon petition of the county board by the State's Attorney, the court may, for good cause shown of financial hardship or lack of necessary resources, enter an order delaying the implementation of the requirements of subsection (a) of this Section for an individual county, for a period not to exceed 2 years.~~

(Source: P.A. 96-776, eff. 1-1-10.)

(730 ILCS 166/20)

Sec. 20. Eligibility.

(a) A defendant may be admitted into a drug court program only upon the consent ~~agreement~~ of the defendant and with the approval of the court. A defendant agrees to be admitted when a written consent to participate is provided to the court in open court and the defendant acknowledges understanding its contents.

(a-5) Each drug court shall have a target population defined in its written policies and procedures. The policies and procedures shall define that court's eligibility and exclusionary criteria.

(b) A defendant shall be excluded from a drug court program if any ~~of~~ one of the following applies ~~apply~~:

(1) The crime is a crime of violence as set forth in paragraph ~~clause~~ (4) of this subsection (b).

(2) The defendant denies his or her use of or addiction to drugs.

(3) The defendant does not demonstrate a willingness to participate in a treatment program.

(4) The defendant has been convicted of a crime of violence within the past 5 ~~10~~ years excluding incarceration time, parole, and periods of mandatory supervised release. As used in this paragraph ~~Section~~, "crime of violence" means: first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnaping, kidnapping ~~kidnaping~~, aggravated battery resulting in great bodily harm or permanent disability, aggravated domestic battery resulting in great bodily harm or permanent disability, aggravated criminal sexual abuse by a person in a position of trust or authority over a child, stalking, aggravated stalking, home invasion, aggravated vehicular hijacking, or any offense involving the discharge of a firearm.

(5) The defendant is charged with a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code in which an individual is charged with aggravated driving under the influence that resulted in the death of another person or when the violation was a proximate cause of the death, unless, pursuant to subparagraph (G) of paragraph (1) of subsection (d)

of Section 11-501 of the Illinois Vehicle Code, the court determines that extraordinary circumstances exist and require probation.

(c) Notwithstanding subsection (a), the defendant may be admitted into a drug court program only upon the agreement of the prosecutor if the defendant is charged with a Class 2 or greater felony violation of:

(1) Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act;

(2) Section 5, 5.1, or 5.2 of the Cannabis Control Act; or

(3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the Methamphetamine Control and Community Protection Act.

~~the defendant is charged with a Class 2 or greater felony violation of:~~

~~(A) Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act;~~

~~(B) Section 5, 5.1, or 5.2 of the Cannabis Control Act;~~

~~(C) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the Methamphetamine Control and Community Protection Act; or~~

~~(2) the defendant has previously, on 3 or more occasions, either completed a drug court program, been discharged from a drug court program, or been terminated from a drug court program.~~

(Source: P.A. 99-480, eff. 9-9-15.)

(730 ILCS 166/25)

Sec. 25. Procedure.

(a) A ~~The court shall order an eligibility~~ screening and clinical needs ~~an~~ assessment and risk assessment of the defendant shall be performed as required by the court's policies and procedures prior to the defendant's admission into a drug court. The clinical needs assessment shall be conducted in accordance with the Department of Human Services substance use prevention and recovery rules under 77 Ill. Adm. Code 2060. The assessment shall include, but is not limited to, assessments of substance use and mental and behavioral health needs. The assessment shall be administered by individuals approved under the Department of Human Services substance use prevention and recovery rules for professional staff under 77 Ill. Adm. Code 2060 and used to inform any clinical treatment plans. Clinical treatment plans shall be developed in accordance with the Problem-Solving Court Standards and in part upon the known availability of treatment resources.

Any risk assessment shall be performed using an assessment tool approved by the Administrative Office of the Illinois Courts and as required by the court's policies and procedures.

~~by an agent designated by the State of Illinois to provide assessment services for the Illinois Courts.~~

An assessment need not be ordered if the court finds a valid assessment related to the present charge pending against the defendant has been completed within the previous 60 days.

(b) The judge shall inform the defendant that if the defendant fails to meet the conditions of the drug court program, eligibility to participate in the program may be revoked and the defendant may be sentenced or the prosecution continued as provided in the Unified Code of Corrections for the crime charged.

(c) The defendant shall execute a written agreement as to his or her participation in the program and shall agree to all of the terms and conditions of the program, including but not limited to the possibility of sanctions or incarceration for failing to abide or comply with the terms of the program.

(d) In addition to any conditions authorized under the Pretrial Services Act and Section 5-6-3 of the Unified Code of Corrections, the court may order the participant to complete mental health counseling or substance use disorder treatment in an outpatient or residential treatment program and may order the participant to comply with physicians' recommendations regarding medications and all follow-up treatment for any mental health diagnosis made by the provider. Substance use disorder treatment programs must be licensed by the Department of Human Services in accordance with the Department of Human Services substance use prevention and recovery rules, or an equivalent standard in any other state where the treatment may take place, and use evidence-based treatment. When referring participants to mental health treatment programs, the court shall prioritize providers certified as community mental health or behavioral health centers if possible. The court shall consider the least restrictive treatment option when ordering mental health or substance use disorder treatment for participants and the results of clinical and risk assessments in accordance with the Problem-Solving Court Standards. ~~defendant to complete substance abuse treatment in an outpatient, inpatient, residential, or jail based custodial treatment program. Any period of time a defendant shall serve in a jail based treatment program may not be reduced by the accumulation of good time or other credits and may be for a period of up to 120 days.~~

(e) The drug court program shall include a regimen of graduated requirements, including ~~and rewards and sanctions, including but not limited to:~~ fines, fees, costs, restitution, ~~incarceration of up to 180 days,~~ individual and group therapy, substance ~~drug~~ analysis testing, close monitoring by the court, restitution, ~~at a minimum of once every 30 days and supervision of progress,~~ educational or vocational counseling as appropriate, and other requirements necessary to fulfill the drug court program. Program phases, therapeutic adjustments, incentives, and sanctions, including the use of jail sanctions, shall be administered in accordance with evidence-based practices and the Problem-Solving Court Standards. A participant's failure to pay program fines or fees shall not prevent the participant from advancing phases or successfully completing the program. If the participant ~~defendant~~ needs treatment for an opioid use disorder ~~abuse~~ or dependence, the court may not prohibit the participant ~~defendant~~ from ~~participating in and~~ receiving medication-assisted ~~medication-assisted~~ treatment under the care of a physician licensed in this State to practice medicine in all of its branches. Drug court participants may not be required to refrain from using medication-assisted ~~medication-assisted~~ treatment as a term or condition of successful completion of the drug court program.

(f) Recognizing that individuals struggling with mental health, substance use, and related co-occurring disorders have often experienced trauma, drug court programs may include specialized service programs specifically designed to address trauma. These specialized services may be offered to individuals admitted to the drug court program. Judicial circuits establishing these specialized programs shall partner with advocates, survivors, and service providers in the development of the programs. Trauma-informed services and programming shall be operated in accordance with evidence-based best practices as outlined by the Substance Abuse and Mental Health Service Administration's National Center for Trauma-Informed Care.

(g) The court may establish a mentorship program that provides access and support to program participants by peer recovery coaches. Courts shall be responsible to administer the mentorship program with the support of mentors and local mental health and substance use disorder treatment organizations.

(Source: P.A. 99-554, eff. 1-1-17.)

(730 ILCS 166/30)

Sec. 30. Mental health and substance use disorder ~~Substance abuse~~ treatment.

(a) The drug court program shall maintain a network of substance use disorder ~~abuse~~ treatment programs representing a continuum of graduated substance use disorder ~~abuse~~ treatment options commensurate with the needs of the participant ~~defendants~~.

(b) Any substance use disorder ~~abuse~~ treatment program to which participants ~~defendants~~ are referred must hold a valid license from the Department of Human Services Division of Substance Use Prevention and Recovery, use evidence-based treatment, and deliver all services in accordance with 77 Ill. Adm. Code 2060, including services available through the United States Department of Veterans Affairs, the Illinois Department of Veterans' Affairs, or Veterans Assistance Commission, or an equivalent standard in any other state where treatment may take place ~~meet all of the rules and governing programs in Parts 2030 and 2060 of Title 77 of the Illinois Administrative Code~~.

(c) The drug court program may, at its discretion, employ additional services or interventions, as it deems necessary on a case by case basis.

(d) The drug court program may maintain or collaborate with a network of mental health treatment programs representing a continuum of treatment options commensurate with the needs of the participant and available resources, including programs with the State and community-based programs supported and sanctioned by the State. Partnerships with providers certified as mental health or behavioral health centers shall be prioritized when possible.

(Source: P.A. 92-58, eff. 1-1-02.)

(730 ILCS 166/35)

Sec. 35. Violation; termination; dismissal from program ~~discharge~~.

(a) If the court finds from the evidence presented, including, but not limited to, the reports or proffers of proof from the drug court professionals, that: (1) the participant is not complying with the requirements of the treatment program; or (2) the participant has otherwise violated the terms and conditions of the program, the court may impose reasonable sanctions under the prior written agreement of the participant, including, but not limited to, imprisonment or dismissal of the participant from the program, and the court may reinstate criminal proceedings against the participant or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing. ~~If the court finds from the evidence presented including but not limited to the reports or proffers of proof from the drug court professionals that:~~

~~(1) the defendant is not performing satisfactorily in the assigned program;~~

~~(2) the defendant is not benefitting from education, treatment, or rehabilitation;~~

~~(3) the defendant has engaged in criminal conduct rendering him or her unsuitable for the program; or~~

~~(4) the defendant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate;~~

~~the court may impose reasonable sanctions under prior written agreement of the defendant, including but not limited to imprisonment or dismissal of the defendant from the program and the court may reinstate criminal proceedings against him or her or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing.~~

(a-5) Based on the evidence presented, the court shall determine whether the participant has violated the conditions of the program and whether the participant should be dismissed from the program or whether, pursuant to the court's policies and procedures, some other alternative may be appropriate in the interests of the participant and the public.

(a-10) A participant ~~defendant~~ who is assigned to a substance use disorder ~~abuse~~ treatment program under this Act for an opioid use disorder ~~abuse or dependence~~ is not in violation of the terms or conditions of the program on the basis of ~~his or her~~ participation in medication-assisted ~~medication assisted~~ treatment under the care of a physician licensed in this State to practice medicine in all of its branches.

(a-15) A participant may voluntarily withdraw from the drug court program in accordance with the drug court program's policies and procedures. Prior to allowing the participant to withdraw, the judge shall:

(1) ensure that the participant has the right to consult with counsel prior to withdrawal;

(2) determine in open court that the withdrawal is made voluntarily and knowingly; and

(3) admonish the participant in open court as to the consequences, actual or potential, which can result from withdrawal.

Upon withdrawal, the criminal proceedings may be reinstated against the participant or proceedings may be initiated under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing.

(a-20) No participant may be dismissed from the program unless, prior to dismissal, the participant is informed in writing:

(1) of the reason or reasons for the dismissal;

(2) the evidentiary basis supporting the reason or reasons for the dismissal; and

(3) that the participant has a right to a hearing at which the participant may present evidence supporting the participant's continuation in the program.

(a-25) A participant who has not violated the conditions of the program in such a way as to warrant unsuccessful dismissal, but who is unable to complete program requirements to qualify for a successful discharge, may be terminated from the program as a neutral discharge.

(b) Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the participant ~~defendant~~ or successfully terminate the participant's ~~defendant's~~ sentence or otherwise discharge the participant ~~him or her~~ from any further proceedings against the participant ~~him or her~~ in the original prosecution.

(c) Upon successful completion of the terms and conditions of the program, any State's Attorney in the county of conviction, participant, or defense attorney may move to vacate any convictions that are eligible for sealing under the Criminal Identification Act. A participant may immediately file a petition to expunge vacated convictions and the associated underlying records per the Criminal Identification Act. If the State's Attorney moves to vacate a conviction, the State's Attorney may not object to expungement of that conviction or the underlying record.

(d) The drug court program may maintain or collaborate with a network of legal aid organizations that specialize in conviction relief to support participants navigating the expungement and sealing process.

(Source: P.A. 99-554, eff. 1-1-17.)

(730 ILCS 166/40)

Sec. 40. Education ~~seminars~~ for judges. A judge assigned to preside over a drug treatment court shall have experience, training, and continuing education in topics including, but not limited to:

(1) criminal law;

(2) behavioral health;

(3) confidentiality;

(4) ethics;

(5) evidence-based practices;

(6) substance use disorders;

(7) mental illness;

(8) co-occurring disorders; and

(9) presiding over various types of problem-solving courts. ~~The Administrative Office of the Illinois Courts shall conduct education seminars for judges throughout the State on how to operate drug court programs with a specific emphasis on cases involving the illegal possession of methamphetamine.~~

(Source: P.A. 94-552, eff. 8-12-05.)

(730 ILCS 166/45)

Sec. 45. Education seminars for drug court prosecutors. Subject to appropriation, the Office of the State's Attorneys Appellate Prosecutor shall conduct mandatory education seminars ~~on the subjects of substance abuse and addiction~~ for all drug court prosecutors throughout the State to ensure that the problem-solving court maintains fidelity to the problem-solving court model. Topics include, but are not limited to, evidence-based screening, assessment and treatment practices, target population, substance use disorders, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency, and team dynamics.

(Source: P.A. 99-480, eff. 9-9-15.)

(730 ILCS 166/50)

Sec. 50. Education seminars for drug court public defenders. Subject to appropriation, the Office of the State Appellate Defender shall conduct mandatory education seminars ~~on the subjects of substance abuse and addiction~~ for all drug court public defenders and assistant public defenders practicing in drug courts throughout the State to ensure that the problem-solving court maintains fidelity to the problem-solving court model. Topics include, but are not limited to, evidence-based screening, assessment and treatment practices, target population, substance use disorders, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency, and team dynamics.

(Source: P.A. 99-480, eff. 9-9-15.)

Section 10. The Veterans and Servicemembers Court Treatment Act is amended by changing Sections 5, 10, 15, 20, 25, 30, and 35 and by adding Sections 40, 45, and 50 as follows:

(730 ILCS 167/5)

Sec. 5. Purposes. The General Assembly recognizes that veterans and active servicemembers, including~~,~~ Reserve and National Guard servicemembers, have provided or are currently providing an invaluable service to our country. Some veterans and active duty servicemembers ~~In so doing, some~~ may suffer from the effects of their service, including, but not limited to, post-traumatic ~~post traumatic~~ stress disorder, traumatic brain injury, depression and may also suffer ~~drug and alcohol dependency or addiction and~~ co-occurring mental illness and substance use disorder ~~abuse~~ problems. As a result ~~of this~~, some veterans or active duty servicemembers come into contact with the criminal justice system and are charged with felony or misdemeanor offenses. There is a critical need for the criminal justice system to recognize ~~these~~ veterans, provide accountability for their wrongdoing, provide for the safety of the public, and provide for the treatment of such ~~our~~ veterans. It is the intent of the General Assembly to create specialized veteran and servicemember courts in accordance with evidence-based practices and Problem-Solving Court Standards for addressing substance use, mental health, and co-occurring disorders ~~or programs~~ with the necessary flexibility to meet the specialized needs for an array of services and supports among participants in certified veteran and servicemember court programs in the State ~~problems faced by these veteran and servicemember defendants~~.

(Source: P.A. 96-924, eff. 6-14-10.)

(730 ILCS 167/10)

Sec. 10. Definitions. In this Act:

"Certification" means the process by which a problem-solving court obtains approval from the Supreme Court to operate in accordance with the Problem-Solving Court Standards.

"Clinical treatment plan" means an evidence-based, comprehensive, and individualized plan that: (i) is developed by a qualified professional in accordance with the Department of Human Services substance use prevention and recovery rules under 77 Ill. Adm. Code 2060 or an equivalent standard in any state where treatment may take place; and (ii) defines the scope of treatment services to be delivered by a court treatment provider.

"Combination Veterans and Servicemembers court program" means a type of problem-solving court that allows an individual to enter a problem-solving court before a plea, conviction, or disposition while also permitting an individual who has admitted guilt, or been found guilty, to enter a problem-solving court as a part of the individual's sentence or disposition. ~~"Combination Veterans and Servicemembers Court program" means a court program that includes a pre-adjudicatory and a post-adjudicatory Veterans and Servicemembers court program.~~

"Community behavioral health center" means a physical site where behavioral healthcare services are provided in accordance with the Community Behavioral Health Center Infrastructure Act.

"Community mental health center" means an entity:

(1) licensed by the Department of Public Health as a community mental health center in accordance with the conditions of participation for community mental health centers established by the Centers for Medicare and Medicaid Services; and

(2) that provides outpatient services, including specialized outpatient services, for individuals who are chronically mental ill.

"Co-occurring mental health and substance use disorders court program" means a program that includes an individual with co-occurring mental illness and substance use disorder diagnoses and professionals with training and experience in treating individuals with diagnoses of substance use disorder and mental illness.

"Court" means veterans and servicemembers court ~~Veterans and Servicemembers Court~~.

"IDVA" means the Illinois Department of Veterans' Affairs.

"Peer recovery coach" means a ~~volunteer~~ veteran mentor as defined nationally by Justice for Vets and assigned to a veteran or servicemember during participation in a veteran treatment court program who has been approved by the court, and trained according to curriculum recommended by Justice for Vets, a service provider used by the court for substance use disorder or mental health treatment, a local service provider with an established peer recovery coach or mentor program not otherwise used by the court for treatment, or a Certified Recovery Support Specialist certified by the Illinois Certification Board. "Peer recovery coach" includes individuals with lived experiences of the issues the problem-solving court seeks to address, including, but not limited to, substance use disorder, mental illness, and co-occurring disorders or involvement with the criminal justice system. "Peer recovery coach" includes individuals required to guide and mentor the participant to successfully complete assigned requirements and to facilitate participants' independence for continued success once the supports of the court are no longer available to them. ~~and certified by the court to guide and mentor the participant to successfully complete the assigned requirements.~~

"Post-adjudicatory veterans and servicemembers court program ~~Veterans and Servicemembers Court Program~~" means a program that allows a defendant who ~~in which the defendant~~ has admitted guilt or has been found guilty and agrees, with the defendant's consent, and the approval of the court, ~~along with the prosecution,~~ to enter a veterans and servicemembers court ~~Veterans and Servicemembers Court~~ program as part of the defendant's sentence or disposition.

"Pre-adjudicatory veterans and servicemembers court program ~~Veterans and Servicemembers Court Program~~" means a program that allows the defendant, with the defendant's consent and the approval of the court, to enter the Veterans and Servicemembers Court program before plea, conviction, or disposition ~~with the consent of the prosecution, to expedite the defendant's criminal case before conviction or before filing of a criminal case~~ and requires successful completion of the Veterans and Servicemembers Court programs as part of the agreement.

"Problem-Solving Court Standards" means the statewide standards adopted by the Supreme Court that set forth the minimum requirements for the planning, establishment, certification, operation, and evaluation of all problem-solving courts in this State.

"Servicemember" means a person who is currently serving in the Army, Air Force, Marines, Navy, or Coast Guard on active duty, reserve status or in the National Guard.

"VA" means the United States Department of Veterans' Affairs.

"VAC" means a veterans assistance commission.

"Validated clinical assessment" means a validated assessment tool administered by a qualified clinician to determine the treatment needs of participants. "Validated clinical assessment" includes assessment tools required by public or private insurance.

"Veteran" means a person who previously served as an ~~in the~~ active servicemember ~~military, naval, or air service and who was discharged or released therefrom under conditions other than dishonorable~~.

"Veterans and servicemembers court ~~Servicemembers Court~~ professional" means a member of the veterans and servicemembers court ~~Veterans and Servicemembers Court~~ team, including, but not limited to, a judge, prosecutor, defense attorney, probation officer, coordinator, treatment provider~~, or peer recovery coach~~.

"Veterans and servicemembers court", "veterans and servicemembers court program", "court", or "program" means a specially designated court, court calendar, or docket facilitating intensive therapeutic treatment to monitor and assist veteran or servicemember participants with substance use disorder, mental illness, co-occurring disorders, or other assessed treatment needs of eligible veteran and servicemember participants and in making positive lifestyle changes and reducing the rate of recidivism. Veterans and servicemembers court programs are nonadversarial in nature and bring ~~Servicemembers Court" means a court or program with an immediate and highly structured judicial intervention process for substance abuse treatment, mental health, or other assessed treatment needs of eligible veteran and servicemember defendants that brings~~ together substance use disorder ~~abuse~~ professionals, mental health professionals, VA professionals, local social programs, and intensive judicial monitoring in accordance with the nationally recommended 10 key components of veterans treatment courts and the Problem-Solving Court Standards. Common features of a veterans and servicemembers court program include, but are not limited to, a designated judge and staff; specialized intake and screening procedures; coordinated treatment procedures administered by a trained, multidisciplinary professional team; close evaluation of participants, including continued assessments and modification of the court requirements and use of sanctions, incentives, and therapeutic adjustments to address behavior; frequent judicial interaction with participants; less formal court process and procedures; voluntary participation; and a low treatment staff-to-client ratio ~~drug courts~~.
(Source: P.A. 99-314, eff. 8-7-15; 99-819, eff. 8-15-16.)

(730 ILCS 167/15)

Sec. 15. Authorization.

(a) The Chief Judge of each judicial circuit may ~~shall~~ establish a veterans ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~ program in compliance with the Problem-Solving Court Standards ~~including a format under which it operates under this Act~~. The veterans ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~ may, at the discretion of the Chief Judge, be a separate court or a program of a problem-solving court, including, but not limited to, a drug court, ~~or~~ mental health court, or a court for individuals with either substance use, mental health, or co-occurring disorders. At the discretion of the Chief Judge, the Veterans and Servicemembers Court program may be operated in one or more counties in the Circuit, and allow veteran and servicemember defendants from all counties within the Circuit to participate.

(b) Whenever the county boards of 2 or more counties within the same judicial circuit determine that a single veteran and servicemembers court program would best serve those counties, the county board of each such county may adopt a resolution to the effect that there shall be a single veteran and servicemembers court program serving those counties, and shall provide a copy of the resolution to the Chief Judge of the judicial circuit. Upon receipt of those resolutions, the Chief Judge may establish or, in the case of an existing veteran and servicemembers court program, reorganize a single program to serve those counties.
(Source: P.A. 99-807, eff. 1-1-18; 100-88, eff. 1-1-18.)

(730 ILCS 167/20)

Sec. 20. Eligibility. Veterans and servicemembers ~~Servicemembers~~ are eligible for veterans ~~Veterans~~ and servicemembers courts ~~Servicemembers Courts~~, provided the following:

(a) ~~A defendant, who is eligible for probation based on the nature of the crime convicted of and in consideration of his or her criminal background, if any, may be admitted into a Veterans and Servicemembers Court program before adjudication only upon the agreement of the defendant and with the approval of the Court.~~ A defendant may be admitted into a veterans ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~ program ~~post-adjudication~~ only upon the consent of the defendant and with the approval of the court. A defendant agrees to be admitted when a written consent to participate is provided to the court in open court and the defendant acknowledges understanding of its contents.

(a-5) Each veterans and servicemembers court shall have a target population defined in its written policies and procedures. The policies and procedures shall define that court's eligibility and exclusionary criteria.

(b) A defendant shall be excluded from Veterans and Servicemembers Court program if any of one of the following applies:

(1) The crime is a crime of violence as set forth in paragraph ~~clause~~ (3) of this subsection (b).

(2) The defendant does not demonstrate a willingness to participate in a treatment program.

(3) The defendant has been convicted of a crime of violence within the past 5 ~~10~~ years excluding incarceration time, parole, and periods of mandatory supervised release. As used in this paragraph, "crime of violence" means: ~~, including~~ first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping and kidnapping, aggravated battery resulting in great bodily harm or permanent disability, aggravated domestic battery resulting in great bodily harm or permanent disability, aggravated criminal sexual abuse by a person in a position of trust or authority over a child, stalking, aggravated stalking, home invasion, aggravated vehicular hijacking, or any offense involving the discharge of a firearm.

(4) The defendant is charged with a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code in which an individual is charged with aggravated driving under the influence that resulted in the death of another person or when the violation was a proximate cause of the death, unless, pursuant to subparagraph (G) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the court determines that extraordinary circumstances exist and require probation. ~~(Blank).~~

(5) (Blank).

(6)(Blank). ~~The sentence imposed on the defendant, whether the result of a plea or a finding of guilt, renders the defendant ineligible for probation.~~

(c) Notwithstanding subsection (a), the defendant may be admitted into a veterans and servicemembers court program only upon the agreement of the prosecutor if the defendant is charged with a Class 2 or greater felony violation of:

(1) Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act;

(2) Section 5, 5.1, or 5.2 of the Cannabis Control Act; or

(3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the Methamphetamine Control and Community Protection Act.

(Source: P.A. 100-426, eff. 1-1-18; 101-652, eff. 7-1-21.)

(730 ILCS 167/25)

Sec. 25. Procedure.

(a) A ~~The Court shall order the defendant to submit to an eligibility~~ screening and clinical needs ~~and an~~ assessment and risk assessment of the defendant shall be performed as required by the court's policies and procedures prior to the defendant's admission into a veteran and servicemembers court. The assessment shall be conducted through the VA, VAC, and/or the IDVA to provide information on the defendant's veteran or servicemember status.

Any risk assessment shall be performed using an assessment tool approved by the Administrative Office of the Illinois Courts and as required by the court's policies and procedures.

(b) A ~~The Court shall order the defendant to submit to an eligibility screening and~~ mental health and substance use disorder ~~drug/alcohol~~ screening and assessment of the defendant shall be performed by the VA, VAC, or by the IDVA, or as otherwise outlined and as required by the court's policies and procedures ~~to provide assessment services for Illinois Courts~~. The assessment shall include, but is not limited to, assessments of substance use and mental and behavioral health needs. The clinical needs assessment shall be administered by a qualified professional of the VA, VAC, or IDVA, or individuals who meet the Department of Human Services substance use prevention and recovery rules for professional staff under 77 Ill. Adm. Code 2060, or an equivalent standard in any other state where treatment may take place, and used to inform any clinical treatment plans. Clinical treatment plans shall be developed, in accordance with the Problem-Solving Court Standards and ~~a risks assessment and~~ be based, in part, upon the known availability of treatment resources available to the veterans ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~. ~~The assessment shall also include recommendations for treatment of the conditions which are indicating a need for treatment under the monitoring of the Court and be reflective of a level of risk assessed for the individual seeking admission.~~ An assessment need not be ordered if the court ~~Court~~ finds a valid screening or ~~and/or~~ assessment related to the present charge pending against the defendant has been completed within the previous 60 days.

(c) The judge shall inform the defendant that if the defendant fails to meet the conditions of the veterans ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~ program, eligibility to participate in the program may be revoked and the defendant may be sentenced or the prosecution continued as provided in the Unified Code of Corrections for the crime charged.

(d) The defendant shall execute a written agreement with the court ~~Court~~ as to the defendant's ~~his or her~~ participation in the program and shall agree to all of the terms and conditions of the program, including but not limited to the possibility of sanctions or incarceration for failing to abide or comply with the terms of the program.

(e) In addition to any conditions authorized under the Pretrial Services Act and Section 5-6-3 of the Unified Code of Corrections, the court ~~Court~~ may order the participant to complete mental health counseling or substance use disorder treatment in an outpatient or residential treatment program and may order the participant to comply with physicians' recommendations regarding medications and all follow-up treatment for any mental health diagnosis made by the provider. Substance use disorder treatment programs must be licensed by the Department of Human Services in accordance with the Department of Human Services substance use prevention and recovery rules, or an equivalent standard in any other state where the treatment may take place, and use evidence-based treatment. When referring participants to mental health treatment programs, the court shall prioritize providers certified as community mental health or behavioral health centers if possible. The court shall consider the least restrictive treatment option when ordering mental health or substance use disorder treatment for participants and the results of clinical and risk assessments in accordance with the Problem-Solving Court Standards. ~~defendant to complete substance abuse treatment in an outpatient, inpatient, residential, or jail-based custodial treatment program, order the defendant to complete mental health counseling in an inpatient or outpatient basis, comply with physicians' recommendation regarding medications and all follow-up treatment. This treatment may include but is not limited to post-traumatic stress disorder, traumatic brain injury and depression.~~

(e-5) The veterans and servicemembers court shall include a regimen of graduated requirements, including individual and group therapy, substance analysis testing, close monitoring by the court, supervision of progress, restitution, educational or vocational counseling as appropriate, and other requirements necessary to fulfill the veterans and servicemembers court program. Program phases, therapeutic adjustments, incentives, and sanctions, including the use of jail sanctions, shall be administered in accordance with evidence-based practices and the Problem-Solving Court Standards. If the participant needs treatment for an opioid use disorder or dependence, the court may not prohibit the participant from receiving medication-assisted treatment under the care of a physician licensed in this State to practice medicine in all of its branches. Veterans and servicemembers court participants may not be required to refrain from using medication-assisted treatment as a term or condition of successful completion of the veteran and servicemembers court program.

(e-10) Recognizing that individuals struggling with mental health, substance use, and related co-occurring disorders have often experienced trauma, veterans and servicemembers court programs may include specialized service programs specifically designed to address trauma. These specialized services may be offered to individuals admitted to the veterans and servicemembers court program. Judicial circuits establishing these specialized programs shall partner with advocates, survivors, and service providers in the development of the programs. Trauma-informed services and programming shall be operated in accordance with evidence-based best practices as outlined by the Substance Abuse and Mental Health Service Administration's National Center for Trauma-Informed Care (SAMHSA).

(f) The Court may establish a mentorship program that provides access and support to program participants by peer recovery coaches. Courts shall be responsible to administer the mentorship program with the support of volunteer veterans and local veteran service organizations, including a VAC. Peer recovery coaches shall be trained and certified by the Court prior to being assigned to participants in the program.

(Source: P.A. 99-314, eff. 8-7-15; 99-819, eff. 8-15-16.)

(730 ILCS 167/30)

Sec. 30. Mental health and substance use disorder ~~abuse~~ treatment.

(a) The veterans ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~ program may maintain a network of substance use disorder ~~abuse~~ treatment programs representing a continuum of graduated substance use disorder ~~abuse~~ treatment options commensurate with the needs of participants ~~defendants~~; these shall include programs with the VA, IDVA, a VAC, the State, ~~of Illinois~~ and community-based programs supported and sanctioned by either or both.

(b) Any substance use disorder ~~abuse~~ treatment program to which participants ~~defendants~~ are referred must hold a valid license from the Department of Human Services Division of Substance Use Prevention and Recovery, use evidence-based treatment, and deliver all services in accordance with 77 Ill. Adm. code 2060, including services available through the VA, IDVA or VAC, or an equivalent standard in any other

state where treatment may take place ~~meet all of the rules and governing programs in Parts 2030 and 2060 of Title 77 of the Illinois Administrative Code~~.

(c) The veterans ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~ program may, in its discretion, employ additional services or interventions, as it deems necessary on a case by case basis.

(d) The veterans ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~ program may maintain or collaborate with a network of mental health treatment programs and, if it is a co-occurring mental health and substance use disorders ~~abuse~~ court program, a network of substance use disorder ~~abuse~~ treatment programs representing a continuum of treatment options commensurate with the needs of the participant ~~defendant~~ and available resources including programs with the VA, the IDVA, a VAC, and the State of Illinois. When not using mental health treatment or services available through the VA, IDVA, or VAC, partnerships with providers certified as community mental health or behavioral health centers shall be prioritized, as possible. (Source: P.A. 99-819, eff. 8-15-16.)

(730 ILCS 167/35)

Sec. 35. Violation; termination; dismissal from the program ~~discharge~~.

(a) If the court finds from the evidence presented, including, but not limited to, the reports or proffers of proof from the veterans and servicemembers court professionals, that: (1) the participant is not complying with the requirements of the treatment program; or (2) the participant has otherwise violated the terms and conditions of the program, the court may impose reasonable sanctions under the prior written agreement of the participant, including, but not limited to, imprisonment or dismissal of the participant from the program and the court may reinstate criminal proceedings against the participant or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing. ~~If the Court finds from the evidence presented including but not limited to the reports or proffers of proof from the Veterans and Servicemembers Court professionals that:~~

~~(1) the defendant is not performing satisfactorily in the assigned program;~~

~~(2) the defendant is not benefitting from education, treatment, or rehabilitation;~~

~~(3) the defendant has engaged in criminal conduct rendering him or her unsuitable for the program; or~~

~~(4) the defendant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate; the Court may impose reasonable sanctions under prior written agreement of the defendant, including but not limited to imprisonment or dismissal of the defendant from the program and the Court may reinstate criminal proceedings against him or her or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing.~~

(a-5) Based on the evidence presented, the court shall determine whether the participant has violated the conditions of the program and whether the participant should be dismissed from the program or whether, pursuant to the court's policies and procedures, some other alternative may be appropriate in the interests of the participant and the public.

(a-10) A participant who is assigned to a substance use disorder treatment program under this Act for an opioid use disorder is not in violation of the terms or conditions of the program on the basis of participation in medication-assisted treatment under the care of a physician licensed in this State to practice medicine in all of its branches.

(a-15) A participant may voluntarily withdraw from the veterans and servicemembers court program in accordance with the program's policies and procedures. Prior to allowing the participant to withdraw, the judge shall:

(1) ensure that the participant has the right to consult with counsel prior to withdrawal;

(2) determine in open court that the withdrawal is made voluntarily and knowingly; and

(3) admonish the participant in open court as to the consequences, actual or potential, which can result from withdrawal.

Upon withdrawal, the criminal proceedings may be reinstated against the participant or proceedings may be initiated under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing.

(a-20) A participant who has not violated the conditions of the program in such a way as to warrant unsuccessful dismissal, but who is unable to complete program requirements to qualify for a successful discharge, may be terminated from the program as a neutral discharge.

(b) Upon successful completion of the terms and conditions of the program, the court ~~Court~~ may dismiss the original charges against the participant ~~defendant~~ or successfully terminate the participant's

~~defendant's~~ sentence or otherwise discharge the participant ~~him or her~~ from any further proceedings against the participant ~~him or her~~ in the original prosecution.

(c) Upon successful completion of the terms and conditions of the program, any State's Attorney in the county of conviction, a participant, or defense attorney may move to vacate any convictions that are eligible for sealing under the Criminal Identification Act. A participant may immediately file a petition to expunge vacated convictions and the associated underlying records per the Criminal Identification Act. If the State's Attorney moves to vacate a conviction, the State's Attorney may not object to expungement of that conviction or the underlying record.

(d) Veterans and servicemembers court programs may maintain or collaborate with a network of legal aid organizations that specialize in conviction relief to support participants navigating the expungement and sealing process.

(Source: P.A. 96-924, eff. 6-14-10.)

(730 ILCS 167/40 new)

Sec. 40. Education for judges. A judge assigned to preside over a veteran and servicemembers court shall have experience, training, and continuing education in topics including, but not limited to:

(1) criminal law;

(2) behavioral health;

(3) confidently;

(4) ethics;

(5) evidence-based practices;

(6) substance use disorders;

(7) mental illness;

(8) co-occurring disorders; and

(9) presiding over various types of problem-solving courts.

(730 ILCS 167/45 new)

Sec. 45. Education seminars for veterans and servicemembers court prosecutors. Subject to appropriation, the Office of the State's Attorneys Appellate Prosecutor shall conduct mandatory education seminars for all prosecutors serving in veterans and servicemembers courts throughout the State to ensure that the problem-solving court maintains fidelity to the problem-solving court model. Topics include, but are not limited to, evidence-based screening, assessment and treatment practices, target population, substance use disorders, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency, military culture and language, and team dynamics.

(730 ILCS 167/50 new)

Sec. 50. Education seminars for veteran and servicemembers court public defenders. Subject to appropriation, the Office of the State Appellate Defender shall conduct mandatory education seminars for all public defenders and assistant public defenders practicing in veterans and servicemembers courts throughout the State to ensure that the problem-solving court maintains fidelity to the problem-solving court model. Topics include, but are not limited to, evidence-based screening, assessment and training practices, target population, substance use disorders, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency, military culture and language, and team dynamics.

Section 15. The Mental Health Court Treatment Act is amended by changing Sections 5, 10, 15, 20, 25, 30, and 35 and by adding Sections 41, 45, and 50 as follows:

(730 ILCS 168/5)

Sec. 5. Purposes. The General Assembly recognizes that individuals with diagnosable mental illness may come into contact with the criminal justice system and be charged with felony or misdemeanor offenses ~~a large percentage of criminal defendants have a diagnosable mental illness and that mental illnesses have a dramatic effect on the criminal justice system in the State of Illinois~~. The General Assembly also recognizes that mental illness and substance use disorders ~~abuse problems~~ co-occur in a substantial percentage of criminal defendants. There is a critical need for the ~~a~~ criminal justice system to recognize individuals struggling with these issues, provide alternatives to incarceration to address mental illness, and provide appropriate access to treatment and support to such individuals. ~~program that will reduce the number of persons with mental illnesses and with co-occurring mental illness and substance abuse problems in the criminal justice system, reduce recidivism among persons with mental illness and with co-occurring mental~~

~~illness and substance abuse problems, provide appropriate treatment to persons with mental illnesses and co-occurring mental illness and substance abuse problems and reduce the incidence of crimes committed as a result of mental illnesses or co-occurring mental illness and substance abuse problems.~~ It is the intent of the General Assembly to create specialized mental health courts in accordance with evidence-based practices and Problem-Solving Court Standards for addressing substance use and co-occurring disorders with the necessary flexibility to meet the needs for an array of services and supports among participants in certified mental health court programs ~~problems of criminal defendants with mental illnesses and co-occurring mental illness and substance abuse problems~~ in the State of Illinois.

(Source: P.A. 95-606, eff. 6-1-08.)

(730 ILCS 168/10)

Sec. 10. Definitions. As used in this Act:

"Certification" means the process by which a problem-solving court obtains approval from the Supreme Court to operate in accordance with the Problem-Solving Court Standards.

"Clinical treatment plan" means an evidence-based, comprehensive, and individualized plan that: (i) is developed by a qualified professional in accordance with Department of Human Services substance use prevention and recovery rules under 77 Ill. Adm. Code 2060 or an equivalent standard in any state where treatment may take place; and (ii) defines the scope of treatment services to be delivered by a court treatment provider.

"Combination mental health court program" means a type of problem-solving court that allows an individual to enter a problem-solving court before a plea, conviction, or disposition while also permitting an individual who has admitted guilt, or been found guilty, to enter a problem-solving court as a part of the individual's sentence or disposition.

"Community behavioral health center" means a physical site where behavioral healthcare services are provided in accordance with the Community Behavioral Health Center Infrastructure Act.

"Community mental health center" means an entity:

(1) licensed by the Department of Public Health as a community mental health center in accordance with the conditions of participation for community mental health centers established by the Centers for Medicare and Medicaid Services; and

(2) that provides outpatient services, including specialized outpatient services, for individuals who are chronically mental ill.

"Co-occurring mental health and substance use disorders court program" means a program that includes an individual with co-occurring mental illness and substance use disorder diagnoses and professionals with training and experience in treating individuals with diagnoses of substance use disorder and mental illness.

"Mental health court", "mental health court program", "court", or "program" means a specially designated court, court calendar, or docket facilitating intensive therapeutic treatment to monitor and assist participants with mental illness in making positive lifestyle changes and reducing the rate of recidivism. Mental health court programs are nonadversarial in nature and bring together mental health professionals and local social programs in accordance with the Bureau of Justice Assistance and Council of State Governments Justice Center's Essential Elements of a Mental Health Court and the Problem-Solving Court Standards. Common features of a mental health court program include, but are not limited to, a designated judge and staff; specialized intake and screening procedures; coordinated treatment procedures administered by a trained, multidisciplinary professional team; close evaluation of participants, including continued assessments and modification of the court requirements and use of sanctions, incentives, and therapeutic adjustments to address behavior; frequent judicial interaction with participants; less formal court process and procedures; voluntary participation; and a low treatment staff-to-client ratio. ~~structured judicial intervention process for mental health treatment of eligible defendants that brings together mental health professionals, local social programs, and intensive judicial monitoring.~~

"Mental health court professional" means a member of the mental health court team, including but not limited to a judge, prosecutor, defense attorney, probation officer, coordinator, or treatment provider~~, or peer recovery coach~~.

"Peer recovery coach" means a mentor assigned to a defendant during participation in a mental health treatment court program who has been trained by the court, a service provider used by the court for substance use disorder or mental health treatment, a local service provider with an established peer recovery coach or mentor program not otherwise used by the court for treatment, or a Certified Recovery Support Specialist certified by the Illinois Certification Board. "Peer recovery coach" includes individuals with lived

experiences of the issues the problem-solving court seeks to address, including, but not limited to, substance use disorder, mental illness, and co-occurring disorders or involvement with the criminal justice system. "Peer recovery coach" includes individuals required to guide and mentor the participant to successfully complete assigned requirements and to facilitate participants' independence for continued success once the supports of the court are no longer available to them.

"Post-adjudicatory mental health court program" means a program that allows an individual who has admitted guilt or has been found guilty, with the defendant's consent, and the approval of the court, to enter a mental health court program as part of the defendant's sentence or disposition.

"Pre-adjudicatory mental health court program" means a program that allows the defendant, with the defendant's consent and the approval of the court, to enter the mental health court program before plea, conviction, or disposition and requires successful completion of the mental health court program as part of the agreement.

"Problem-Solving Court Standards" means the statewide standards adopted by the Supreme Court that set forth the minimum requirements for the planning, establishment, certification, operation, and evaluation of all problem-solving courts in this State.

"Validated clinical assessment" means a validated assessment tool administered by a qualified clinician to determine the treatment needs of participants. "Validated clinical assessment" includes assessment tools required by public or private insurance.

~~"Pre-adjudicatory mental health court program" means a program that allows the defendant, with the consent of the prosecution, to expedite the defendant's criminal case before conviction or before filing of a criminal case and requires successful completion of the mental health court program as part of the agreement.~~

~~"Post-adjudicatory mental health court program" means a program in which the defendant has admitted guilt or has been found guilty and agrees, along with the prosecution, to enter a mental health court program as part of the defendant's sentence.~~

~~"Combination mental health court program" means a mental health court program that includes a pre-adjudicatory mental health court program and a post-adjudicatory mental health court program.~~

~~"Co-occurring mental health and substance abuse court program" means a program that includes persons with co-occurring mental illness and substance abuse problems. Such programs shall include professionals with training and experience in treating persons with substance abuse problems and mental illness.~~

(Source: P.A. 97-946, eff. 8-13-12.)

(730 ILCS 168/15)

Sec. 15. Authorization.

(a) The Chief Judge of each judicial circuit may establish a mental health court program, in compliance with the Problem-Solving Court Standards. At the discretion of the Chief Judge, the mental health court program may be operated in one or more counties of the circuit and allow defendants from all counties within the circuit to participate. Mental health court programs must be certified by the Supreme Court ~~including the format under which it operates under this Act~~.

(b) Whenever the county boards of 2 or more counties within the same judicial circuit determine that a single mental health court program would best serve those counties, the county board of each such county may adopt a resolution to the effect that there shall be a single mental health court program serving those counties, and shall provide a copy of the resolution to the Chief Judge of the judicial circuit. Upon receipt of such a resolution, the Chief Judge may establish or, in the case of an existing mental health court program, reorganize a single mental health court program to serve these counties.

(Source: P.A. 95-606, eff. 6-1-08.)

(730 ILCS 168/20)

Sec. 20. Eligibility.

(a) A defendant~~, who is eligible for probation based on the nature of the crime convicted of and in consideration of his or her criminal background, if any,~~ may be admitted into a mental health court program only upon the consent ~~agreement~~ of the defendant and with the approval of the court. A defendant agrees to be admitted when a written consent to participate is provided to the court in open court and the defendant acknowledges understanding its contents.

(a-5) Each mental health court shall have a target population defined in its written policies and procedures. The policies and procedures shall define that court's eligibility and exclusionary criteria.

(b) A defendant shall be excluded from a mental health court program if any one of the following applies:

(1) The crime is a crime of violence as set forth in paragraph ~~clause~~ (3) of this subsection (b).

(2) The defendant does not demonstrate a willingness to participate in a treatment program.

(3) The defendant has been convicted of a crime of violence within the past 5 ~~10~~ years excluding incarceration time, parole, and periods of mandatory supervised release. As used in this paragraph (3), "crime of violence" means: first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, aggravated domestic battery resulting in great bodily harm or permanent disability, aggravated criminal sexual abuse by a person in a position of trust or authority over a child, stalking, aggravated stalking, home invasion, aggravated vehicular hijacking, or any offense involving the discharge of a firearm.

(4) The defendant is charged with a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code in which an individual is charged with aggravated driving under the influence that resulted in the death of another person or when the violation was a proximate cause of the death, unless, pursuant to subparagraph (G) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the court determines that extraordinary circumstances exist and require probation. ~~(Blank).~~

(5) (Blank).

(6) (Blank). ~~The sentence imposed on the defendant, whether the result of a plea or a finding of guilt, renders the defendant ineligible for probation.~~

(c) Notwithstanding subsection (a), the defendant may be admitted into a mental health court program only upon the agreement of the prosecutor if the defendant is charged with a Class 2 or greater felony violation of:

(1) Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act;

(2) Section 5, 5.1, or 5.2 of the Cannabis Control Act; or

(3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the Methamphetamine Control and Community Protection Act.

~~A defendant charged with prostitution under Section 11-14 of the Criminal Code of 2012 may be admitted into a mental health court program, if available in the jurisdiction and provided that the requirements in subsections (a) and (b) are satisfied. Mental health court programs may include specialized service programs specifically designed to address the trauma associated with prostitution and human trafficking, and may offer those specialized services to defendants admitted to the mental health court program. Judicial circuits establishing these specialized programs shall partner with prostitution and human trafficking advocates, survivors, and service providers in the development of the programs.~~

(Source: P.A. 100-426, eff. 1-1-18; 101-652, eff. 7-1-21.)

(730 ILCS 168/25)

Sec. 25. Procedure.

(a) An ~~The court shall require an~~ eligibility screening and an assessment of the defendant shall be performed as required by the court's policies and procedures. The assessment shall include a validated clinical assessment. The clinical assessment shall include, but is not limited to, assessments of substance use and mental and behavioral health needs. The clinical assessment shall be administered by a qualified professional and used to inform any clinical treatment plans. Clinical treatment plans shall be developed, in part, upon the known availability of treatment resources available. Assessments for substance use disorder shall be conducted in accordance with the Department of Human Services substance use prevention and recovery rules contained in 77 Ill. Adm. Code 2060 or an equivalent standard in any other state where treatment may take place, and conducted by individuals who meet the Department of Human Services substance use prevention and recovery rules for professional staff also contained within that Code, or an equivalent standard in any other state where treatment may take place. The assessments shall be used to inform any clinical treatment plans. Clinical treatment plans shall be developed in accordance with Problem-Solving Court Standards and, in part, upon the known availability of treatment resources. An assessment need not be ordered if the court finds a valid assessment related to the present charge pending against the defendant has been completed within the previous 60 days.

(b) The judge shall inform the defendant that if the defendant fails to meet the conditions ~~requirements~~ of the mental health court program, eligibility to participate in the program may be revoked

and the defendant may be sentenced or the prosecution continued~~,~~ as provided in the Unified Code of Corrections~~,~~ for the crime charged.

(c) The defendant shall execute a written agreement as to his or her participation in the program and shall agree to all of the terms and conditions of the program, including but not limited to the possibility of sanctions or incarceration for failing to abide or comply with the terms of the program.

(d) In addition to any conditions authorized under the Pretrial Services Act and Section 5-6-3 of the Unified Code of Corrections, the court may order the participant to complete mental health counseling or substance use disorder treatment in an outpatient or residential treatment program and may order the participant to comply with physicians' recommendations regarding medications and all follow-up treatment for any mental health diagnosis made by the provider. Substance use disorder treatment programs must be licensed by the Department of Human Services in accordance with the Department of Human Services substance use prevention and recovery rules, or an equivalent standard in any other state where the treatment may take place, and use evidence-based treatment. When referring participants to mental health treatment programs, the court shall prioritize providers certified as community mental health or behavioral health centers if possible. The court shall consider the least restrictive treatment option when ordering mental health or substance use disorder treatment for participants and the results of clinical and risk assessments in accordance with the Problem-Solving Court Standards. ~~defendant to complete mental health or substance abuse treatment in an outpatient, inpatient, residential, or jail-based custodial treatment program. Any period of time a defendant shall serve in a jail-based treatment program may not be reduced by the accumulation of good time or other credits and may be for a period of up to 120 days.~~

(e) The mental health court program shall ~~may~~ include a regimen of graduated requirements, including ~~and rewards and sanctions, including but not limited to:~~ fines, fees, costs, restitution, ~~incarceration of up to 180 days,~~ individual and group therapy, medication, substance ~~drug~~ analysis testing, close monitoring by the court, ~~and~~ supervision of progress, restitution, educational or vocational counseling as appropriate, and other requirements necessary to fulfill the mental health court program. Program phases, therapeutic adjustments, incentives, and sanctions, including the use of jail sanctions, shall be administered in accordance with evidence-based practices and the Problem-Solving Court Standards. A participant's failure to pay program fines or fees shall not prevent the participant from advancing phases or successfully completing the program. If the participant needs treatment for an opioid use disorder or dependence, the court may not prohibit the participant from receiving medication-assisted treatment under the care of a physician licensed in this State to practice medicine in all of its branches. Mental health court participants may not be required to refrain from using medication-assisted treatment as a term or condition of successful completion of the mental health court program.

(f) The mental health court program may maintain or collaborate with a network of mental health treatment programs and, if it is a co-occurring mental health and substance use disorders court program, a network of substance use disorder treatment programs representing a continuum of treatment options commensurate with the needs of the participant and available resources, including programs of this State.

(g) Recognizing that individuals struggling with mental health, addiction, and related co-occurring disorders have often experienced trauma, mental health court programs may include specialized service programs specifically designed to address trauma. These specialized services may be offered to individuals admitted to the mental health court program. Judicial circuits establishing these specialized programs shall partner with advocates, survivors, and service providers in the development of the programs. Trauma-informed services and programming shall be operated in accordance with evidence-based best practices as outlined by the Substance Abuse and Mental Health Service Administration's National Center for Trauma-Informed Care.

(h) The court may establish a mentorship program that provides access and support to program participants by peer recovery coaches. Courts shall be responsible to administer the mentorship program with the support of mentors and local mental health and substance use disorder treatment organizations.

(Source: P.A. 95-606, eff. 6-1-08.)

(730 ILCS 168/30)

Sec. 30. Mental health and substance use disorder ~~abuse~~ treatment.

(a) The mental health court program may maintain or collaborate with a network of mental health treatment programs and, if it is a co-occurring mental health and substance use disorders ~~abuse~~ court program, a network of substance use disorder ~~abuse~~ treatment programs representing a continuum of treatment options commensurate with the needs of participants ~~defendants~~ and available resources.

(b) Any substance use disorder ~~abuse~~ treatment program to which participants ~~defendants~~ are referred must hold a valid license from the Department of Human Services Division of Substance Use Prevention and Recovery, use evidence-based treatment, and deliver all services in accordance with 77 Ill. Adm. Code 2060, including services available through the United States Department of Veterans Affairs, the Illinois Department of Veterans Affairs, or the Veterans Assistance Commission, or an equivalent standard in any other state where treatment may take place ~~meet all of the rules and governing programs in Parts 2030 and 2060 of Title 77 of the Illinois Administrative Code~~.

(c) The mental health court program may, at its discretion, employ additional services or interventions, as it deems necessary on a case by case basis.

(Source: P.A. 95-606, eff. 6-1-08.)

(730 ILCS 168/35)

Sec. 35. Violation; termination; dismissal from program ~~discharge~~.

(a) If the court finds from the evidence presented, including, but not limited to, the reports or proffers of proof from the mental health court professionals, that: (1) the participant is not complying with the requirements of the treatment program; or (2) the participant has otherwise violated the terms and conditions of the program, the court may impose reasonable sanctions under the prior written agreement of the participant, including, but not limited to, imprisonment or dismissal of the defendant from the program and the court may reinstate criminal proceedings against the participant or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing. ~~If the court finds from the evidence presented, including but not limited to the reports or proffers of proof from the mental health court professionals that:~~

~~(1) the defendant is not performing satisfactorily in the assigned program;~~

~~(2) the defendant is not benefiting from education, treatment, or rehabilitation;~~

~~(3) the defendant has engaged in criminal conduct rendering him or her unsuitable for the program; or~~

~~(4) the defendant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate;~~

~~the court may impose reasonable sanctions under prior written agreement of the defendant, including but not limited to imprisonment or dismissal of the defendant from the program; and the court may reinstate criminal proceedings against him or her or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing.~~

(a-5) Based on the evidence presented, the court shall determine whether the participant has violated the conditions of the program and whether the participant should be dismissed from the program or whether, pursuant to the court's policies and procedures, some other alternative may be appropriate in the interests of the participant and the public.

(a-10) A participant may voluntarily withdraw from the mental health court program in accordance with the mental health court program's policies and procedures. Prior to allowing the participant to withdraw, the judge shall:

(1) ensure that the participant has the right to consult with counsel prior to withdrawal;

(2) determine in open court that the withdrawal is made voluntarily and knowingly; and

(3) admonish the participant in open court, as to the consequences, actual or potential, which can result from withdrawal.

Upon withdrawal, the criminal proceedings may be reinstated against the participant or proceedings may be initiated under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing.

(a-15) No participant ~~defendant~~ may be dismissed from the program unless, prior to such dismissal, the participant ~~defendant~~ is informed in writing: (i) of the reason or reasons for the dismissal; (ii) the evidentiary basis supporting the reason or reasons for the dismissal; (iii) that the participant ~~defendant~~ has a right to a hearing at which he or she may present evidence supporting his or her continuation in the program. ~~Based upon the evidence presented, the court shall determine whether the defendant has violated the conditions of the program and whether the defendant should be dismissed from the program or whether some other alternative may be appropriate in the interests of the defendant and the public.~~

(a-20) A participant who has not violated the conditions of the program in such a way as to warrant unsuccessful dismissal, but who is unable to complete program requirements to qualify for a successful discharge, may be terminated from the program as a neutral discharge.

(b) Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the participant ~~defendant~~ or successfully terminate the participant's ~~defendant's~~ sentence or otherwise discharge the participant ~~him or her~~ from the program or from any further proceedings against the participant ~~him or her~~ in the original prosecution.

(c) Upon successful completion of the terms and conditions of the program, any State's Attorney in the county of conviction, a participant, or defense attorney may move to vacate any convictions that are eligible for sealing under the Criminal Identification Act. A participant may immediately file a petition to expunge vacated convictions and the associated underlying records per the Criminal Identification Act. If the State's Attorney moves to vacate a conviction, the State's Attorney may not object to expungement of that conviction or the underlying record.

(d) The mental health court program may maintain or collaborate with a network of legal aid organizations that specialize in conviction relief to support participants navigating the expungement and sealing process.

(Source: P.A. 95-606, eff. 6-1-08.)

(730 ILCS 168/41 new)

Sec. 41. Education seminars for judges. A judge assigned to preside over a mental health court shall have experience, training, and continuing education in topics including, but not limited to:

(1) criminal law;

(2) behavioral health;

(3) confidently;

(4) ethics;

(5) evidence-based practices;

(6) substance use disorders;

(7) mental illness;

(8) co-occurring disorders; and

(9) presiding over various types of problem-solving courts.

(730 ILCS 168/45 new)

Sec. 45. Education seminars for mental health court prosecutors. Subject to appropriation, the Office of the State's Attorneys Appellate Prosecutor shall conduct mandatory education seminars for all prosecutors serving in mental health courts throughout the State to ensure that the problem-solving court maintains fidelity to the problem-solving court model. Topics include, but are not limited to, evidence-based screening, assessment and treatment practices, target population, substance use disorders, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency, and team dynamics.

(730 ILCS 168/50 new)

Sec. 50. Education seminars for mental health court public defenders. Subject to appropriation, the Office of the State Appellate Defender shall conduct mandatory education seminars for all public defenders and assistant public defenders practicing in mental health courts throughout the State to ensure that the problem-solving court maintains fidelity to the problem-solving court model. Topics include, but are not limited to, evidence-based screening, assessment and treatment practices, target population, substance use disorders, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency, and team dynamics.

(730 ILCS 168/40 rep.)

Section 20. The Mental Health Court Treatment Act is amended by repealing Section 40.

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

Under the rules, the foregoing **Senate Bill No. 2565**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 3005

A bill for AN ACT concerning safety.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 3005

House Amendment No. 2 to SENATE BILL NO. 3005

Passed the House, as amended, March 29, 2022.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3005

AMENDMENT NO. 1 . Amend Senate Bill 3005 on page 1, line 18, by replacing "Nine" with "Ten"; and

on page 4, line 6, by replacing "March" with "August ~~March~~"; and

on page 4, immediately below line 13, by inserting the following:

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

AMENDMENT NO. 2 TO SENATE BILL 3005

AMENDMENT NO. 2 . Amend Senate Bill 3005, AS AMENDED, on page 1, line 18, by replacing "Ten" with "Twelve"; and

on page 2, line 15, by deleting "and"; and

on page 2, by replacing line 17 with the following:

"automobile manufacturers;

(K) one member of a labor organization that represents workers in the auto industry; and

(L) one member representing the component parts manufacturing community.".

Under the rules, the foregoing **Senate Bill No. 3005**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 3023

A bill for AN ACT concerning health.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 3023

Passed the House, as amended, March 29, 2022.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3023

AMENDMENT NO. 1 . Amend Senate Bill 3023 by replacing everything after the enacting clause with the following:

"Section 5. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Sections 1a, 1a-1, 2-1, 5-1, 5.4, 5.5, 5.5-1, 7.5, 7.5-1, and 9.5 as follows:

(410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

Sec. 1a. Definitions.

(a) In this Act:

"Advanced practice registered nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Ambulance provider" means an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients.

"Approved pediatric health care facility" means a health care facility, other than a hospital, with a sexual assault treatment plan approved by the Department to provide medical forensic services to pediatric sexual assault survivors who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

"Areawide sexual assault treatment plan" means a plan, developed by hospitals or by hospitals and approved pediatric health care facilities in a community or area to be served, which provides for medical forensic services to sexual assault survivors that shall be made available by each of the participating hospitals and approved pediatric health care facilities.

"Board-certified child abuse pediatrician" means a physician certified by the American Board of Pediatrics in child abuse pediatrics.

"Board-eligible child abuse pediatrician" means a physician who has completed the requirements set forth by the American Board of Pediatrics to take the examination for certification in child abuse pediatrics.

"Department" means the Department of Public Health.

"Emergency contraception" means medication as approved by the federal Food and Drug Administration (FDA) that can significantly reduce the risk of pregnancy if taken within 72 hours after sexual assault.

"Follow-up healthcare" means healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 180 ~~90~~ days of the initial visit for medical forensic services.

"Health care professional" means a physician, a physician assistant, a sexual assault forensic examiner, an advanced practice registered nurse, a registered professional nurse, a licensed practical nurse, or a sexual assault nurse examiner.

"Hospital" means a hospital licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act, any outpatient center included in the hospital's sexual assault treatment plan where hospital employees provide medical forensic services, and an out-of-state hospital that has consented to the jurisdiction of the Department under Section 2.06.

"Illinois State Police Sexual Assault Evidence Collection Kit" means a prepackaged set of materials and forms to be used for the collection of evidence relating to sexual assault. The standardized evidence collection kit for the State of Illinois shall be the Illinois State Police Sexual Assault Evidence Collection Kit.

"Law enforcement agency having jurisdiction" means the law enforcement agency in the jurisdiction where an alleged sexual assault or sexual abuse occurred.

"Licensed practical nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Medical forensic services" means health care delivered to patients within or under the care and supervision of personnel working in a designated emergency department of a hospital or an approved pediatric health care facility. "Medical forensic services" includes, but is not limited to, taking a medical history, performing photo documentation, performing a physical and anogenital examination, assessing the patient for evidence collection, collecting evidence in accordance with a statewide sexual assault evidence collection program administered by the Illinois State Police using the Illinois State Police Sexual Assault Evidence Collection Kit, if appropriate, assessing the patient for drug-facilitated or alcohol-facilitated sexual assault, providing an evaluation of and care for sexually transmitted infection and human immunodeficiency virus (HIV), pregnancy risk evaluation and care, and discharge and follow-up healthcare planning.

"Pediatric health care facility" means a clinic or physician's office that provides medical services to pediatric patients.

"Pediatric sexual assault survivor" means a person under the age of 13 who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Photo documentation" means digital photographs or colposcope videos stored and backed up securely in the original file format.

"Physician" means a person licensed to practice medicine in all its branches.

"Physician assistant" has the meaning provided in Section 4 of the Physician Assistant Practice Act of 1987.

"Prepubescent sexual assault survivor" means a female who is under the age of 18 years and has not had a first menstrual cycle or a male who is under the age of 18 years and has not started to develop secondary sex characteristics who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Qualified medical provider" means a board-certified child abuse pediatrician, board-eligible child abuse pediatrician, a sexual assault forensic examiner, or a sexual assault nurse examiner who has access to photo documentation tools, and who participates in peer review.

"Registered Professional Nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Sexual assault" means:

(1) an act of sexual conduct; as used in this paragraph, "sexual conduct" has the meaning provided under Section 11-0.1 of the Criminal Code of 2012; or

(2) any act of sexual penetration; as used in this paragraph, "sexual penetration" has the meaning provided under Section 11-0.1 of the Criminal Code of 2012 and includes, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

"Sexual assault forensic examiner" means a physician or physician assistant who has completed training that meets or is substantially similar to the Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

"Sexual assault nurse examiner" means an advanced practice registered nurse or registered professional nurse who has completed a sexual assault nurse examiner training program that meets the Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

"Sexual assault services voucher" means a document generated by a hospital or approved pediatric health care facility at the time the sexual assault survivor receives outpatient medical forensic services that may be used to seek payment for any ambulance services, medical forensic services, laboratory services, pharmacy services, and follow-up healthcare provided as a result of the sexual assault.

"Sexual assault survivor" means a person who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Sexual assault transfer plan" means a written plan developed by a hospital and approved by the Department, which describes the hospital's procedures for transferring sexual assault survivors to another hospital, and an approved pediatric health care facility, if applicable, in order to receive medical forensic services.

"Sexual assault treatment plan" means a written plan that describes the procedures and protocols for providing medical forensic services to sexual assault survivors who present themselves for such services, either directly or through transfer from a hospital or an approved pediatric health care facility.

"Transfer hospital" means a hospital with a sexual assault transfer plan approved by the Department.

"Transfer services" means the appropriate medical screening examination and necessary stabilizing treatment prior to the transfer of a sexual assault survivor to a hospital or an approved pediatric health care facility that provides medical forensic services to sexual assault survivors pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan.

"Treatment hospital" means a hospital with a sexual assault treatment plan approved by the Department to provide medical forensic services to all sexual assault survivors who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

"Treatment hospital with approved pediatric transfer" means a hospital with a treatment plan approved by the Department to provide medical forensic services to sexual assault survivors 13 years old or older who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

(b) This Section is effective on and after January 1, 2024 ~~2022~~.

(Source: P.A. 101-81, eff. 7-12-19; 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-538, eff. 8-20-21; 102-674, eff. 11-30-21; revised 12-16-21.)

(410 ILCS 70/1a-1)

(Section scheduled to be repealed on December 31, 2023)

Sec. 1a-1. Definitions.

(a) In this Act:

"Advanced practice registered nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Ambulance provider" means an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients.

"Approved pediatric health care facility" means a health care facility, other than a hospital, with a sexual assault treatment plan approved by the Department to provide medical forensic services to pediatric sexual assault survivors who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

"Approved federally qualified health center" means a facility as defined in Section 1905(l)(2)(B) of the federal Social Security Act with a sexual assault treatment plan approved by the Department to provide medical forensic services to sexual assault survivors 13 years old or older who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

"Areawide sexual assault treatment plan" means a plan, developed by hospitals or by hospitals, approved pediatric health care facilities, and approved federally qualified health centers in a community or area to be served, which provides for medical forensic services to sexual assault survivors that shall be made available by each of the participating hospitals and approved pediatric health care facilities.

"Board-certified child abuse pediatrician" means a physician certified by the American Board of Pediatrics in child abuse pediatrics.

"Board-eligible child abuse pediatrician" means a physician who has completed the requirements set forth by the American Board of Pediatrics to take the examination for certification in child abuse pediatrics.

"Department" means the Department of Public Health.

"Emergency contraception" means medication as approved by the federal Food and Drug Administration (FDA) that can significantly reduce the risk of pregnancy if taken within 72 hours after sexual assault.

"Federally qualified health center" means a facility as defined in Section 1905(l)(2)(B) of the federal Social Security Act that provides primary care or sexual health services.

"Follow-up healthcare" means healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 180 ~~90~~ days of the initial visit for medical forensic services.

"Health care professional" means a physician, a physician assistant, a sexual assault forensic examiner, an advanced practice registered nurse, a registered professional nurse, a licensed practical nurse, or a sexual assault nurse examiner.

"Hospital" means a hospital licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act, any outpatient center included in the hospital's sexual assault treatment plan where hospital employees provide medical forensic services, and an out-of-state hospital that has consented to the jurisdiction of the Department under Section 2.06-1.

"Illinois State Police Sexual Assault Evidence Collection Kit" means a prepackaged set of materials and forms to be used for the collection of evidence relating to sexual assault. The standardized evidence collection kit for the State of Illinois shall be the Illinois State Police Sexual Assault Evidence Collection Kit.

"Law enforcement agency having jurisdiction" means the law enforcement agency in the jurisdiction where an alleged sexual assault or sexual abuse occurred.

"Licensed practical nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Medical forensic services" means health care delivered to patients within or under the care and supervision of personnel working in a designated emergency department of a hospital, approved pediatric health care facility, or an approved federally qualified health centers.

"Medical forensic services" includes, but is not limited to, taking a medical history, performing photo documentation, performing a physical and anogenital examination, assessing the patient for evidence collection, collecting evidence in accordance with a statewide sexual assault evidence collection program administered by the Department of State Police using the Illinois State Police Sexual Assault Evidence Collection Kit, if appropriate, assessing the patient for drug-facilitated or alcohol-facilitated sexual assault, providing an evaluation of and care for sexually transmitted infection and human immunodeficiency virus (HIV), pregnancy risk evaluation and care, and discharge and follow-up healthcare planning.

"Pediatric health care facility" means a clinic or physician's office that provides medical services to pediatric patients.

"Pediatric sexual assault survivor" means a person under the age of 13 who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Photo documentation" means digital photographs or colposcope videos stored and backed up securely in the original file format.

"Physician" means a person licensed to practice medicine in all its branches.

"Physician assistant" has the meaning provided in Section 4 of the Physician Assistant Practice Act of 1987.

"Prepubescent sexual assault survivor" means a female who is under the age of 18 years and has not had a first menstrual cycle or a male who is under the age of 18 years and has not started to develop secondary sex characteristics who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Qualified medical provider" means a board-certified child abuse pediatrician, board-eligible child abuse pediatrician, a sexual assault forensic examiner, or a sexual assault nurse examiner who has access to photo documentation tools, and who participates in peer review.

"Registered Professional Nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Sexual assault" means:

(1) an act of sexual conduct; as used in this paragraph, "sexual conduct" has the meaning provided under Section 11-0.1 of the Criminal Code of 2012; or

(2) any act of sexual penetration; as used in this paragraph, "sexual penetration" has the meaning provided under Section 11-0.1 of the Criminal Code of 2012 and includes, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

"Sexual assault forensic examiner" means a physician or physician assistant who has completed training that meets or is substantially similar to the Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

"Sexual assault nurse examiner" means an advanced practice registered nurse or registered professional nurse who has completed a sexual assault nurse examiner training program that meets the Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

"Sexual assault services voucher" means a document generated by a hospital or approved pediatric health care facility at the time the sexual assault survivor receives outpatient medical forensic services that may be used to seek payment for any ambulance services, medical forensic services, laboratory services, pharmacy services, and follow-up healthcare provided as a result of the sexual assault.

"Sexual assault survivor" means a person who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Sexual assault transfer plan" means a written plan developed by a hospital and approved by the Department, which describes the hospital's procedures for transferring sexual assault survivors to another hospital, and an approved pediatric health care facility, if applicable, in order to receive medical forensic services.

"Sexual assault treatment plan" means a written plan that describes the procedures and protocols for providing medical forensic services to sexual assault survivors who present themselves for such services, either directly or through transfer from a hospital or an approved pediatric health care facility.

"Transfer hospital" means a hospital with a sexual assault transfer plan approved by the Department.

"Transfer services" means the appropriate medical screening examination and necessary stabilizing treatment prior to the transfer of a sexual assault survivor to a hospital or an approved pediatric health care facility that provides medical forensic services to sexual assault survivors pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan.

"Treatment hospital" means a hospital with a sexual assault treatment plan approved by the Department to provide medical forensic services to all sexual assault survivors who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

"Treatment hospital with approved pediatric transfer" means a hospital with a treatment plan approved by the Department to provide medical forensic services to sexual assault survivors 13 years old or older who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

(b) This Section is repealed on December 31, 2023.

(Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21.)

(410 ILCS 70/2-1)

(Section scheduled to be repealed on December 31, 2023)

Sec. 2-1. Hospital, approved pediatric health care facility, and approved federally qualified health center requirements for sexual assault plans.

(a) Every hospital required to be licensed by the Department pursuant to the Hospital Licensing Act, or operated under the University of Illinois Hospital Act that provides general medical and surgical hospital services shall provide either (i) transfer services to all sexual assault survivors, (ii) medical forensic services to all sexual assault survivors, or (iii) transfer services to pediatric sexual assault survivors and medical forensic services to sexual assault survivors 13 years old or older, in accordance with rules adopted by the Department.

In addition, every such hospital, regardless of whether or not a request is made for reimbursement, shall submit to the Department a plan to provide either (i) transfer services to all sexual assault survivors, (ii) medical forensic services to all sexual assault survivors, or (iii) transfer services to pediatric sexual assault survivors and medical forensic services to sexual assault survivors 13 years old or older. The Department shall approve such plan for either (i) transfer services to all sexual assault survivors, (ii) medical forensic services to all sexual assault survivors, or (iii) transfer services to pediatric sexual assault survivors and medical forensic services to sexual assault survivors 13 years old or older, if it finds that the implementation of the proposed plan would provide (i) transfer services or (ii) medical forensic services for sexual assault survivors in accordance with the requirements of this Act and provide sufficient protections from the risk of pregnancy to sexual assault survivors. Notwithstanding anything to the contrary in this paragraph, the Department may approve a sexual assault transfer plan for the provision of medical forensic services if:

(1) a treatment hospital with approved pediatric transfer has agreed, as part of an areawide treatment plan, to accept sexual assault survivors 13 years of age or older from the proposed transfer hospital, if the treatment hospital with approved pediatric transfer is geographically closer to the transfer hospital than a treatment hospital or another treatment hospital with approved pediatric transfer and such transfer is not unduly burdensome on the sexual assault survivor; and

(2) a treatment hospital has agreed, as a part of an areawide treatment plan, to accept sexual assault survivors under 13 years of age from the proposed transfer hospital and transfer to the treatment hospital would not unduly burden the sexual assault survivor.

The Department may not approve a sexual assault transfer plan unless a treatment hospital has agreed, as a part of an areawide treatment plan, to accept sexual assault survivors from the proposed transfer hospital and a transfer to the treatment hospital would not unduly burden the sexual assault survivor.

In counties with a population of less than 1,000,000, the Department may not approve a sexual assault transfer plan for a hospital located within a 20-mile radius of a 4-year public university, not including community colleges, unless there is a treatment hospital with a sexual assault treatment plan approved by the Department within a 20-mile radius of the 4-year public university.

A transfer must be in accordance with federal and State laws and local ordinances.

A treatment hospital with approved pediatric transfer must submit an areawide treatment plan under Section 3-1 of this Act that includes a written agreement with a treatment hospital stating that the treatment hospital will provide medical forensic services to pediatric sexual assault survivors transferred from the treatment hospital with approved pediatric transfer. The areawide treatment plan may also include an approved pediatric health care facility.

A transfer hospital must submit an areawide treatment plan under Section 3-1 of this Act that includes a written agreement with a treatment hospital stating that the treatment hospital will provide medical forensic services to all sexual assault survivors transferred from the transfer hospital. The areawide treatment plan may also include an approved pediatric health care facility. Notwithstanding anything to the contrary in this paragraph, the areawide treatment plan may include a written agreement with a treatment hospital with approved pediatric transfer that is geographically closer than other hospitals providing medical forensic services to sexual assault survivors 13 years of age or older stating that the treatment hospital with approved pediatric transfer will provide medical services to sexual assault survivors 13 years of age or older who are transferred from the transfer hospital. If the areawide treatment plan includes a written agreement with a treatment hospital with approved pediatric transfer, it must also include a written agreement with a treatment hospital stating that the treatment hospital will provide medical forensic services to sexual assault survivors under 13 years of age who are transferred from the transfer hospital.

Beginning January 1, 2019, each treatment hospital and treatment hospital with approved pediatric transfer shall ensure that emergency department attending physicians, physician assistants, advanced

practice registered nurses, and registered professional nurses providing clinical services, who do not meet the definition of a qualified medical provider in Section 1a-1 of this Act, receive a minimum of 2 hours of sexual assault training by July 1, 2020 or until the treatment hospital or treatment hospital with approved pediatric transfer certifies to the Department, in a form and manner prescribed by the Department, that it employs or contracts with a qualified medical provider in accordance with subsection (a-7) of Section 5-1, whichever occurs first.

After July 1, 2020 or once a treatment hospital or a treatment hospital with approved pediatric transfer certifies compliance with subsection (a-7) of Section 5-1, whichever occurs first, each treatment hospital and treatment hospital with approved pediatric transfer shall ensure that emergency department attending physicians, physician assistants, advanced practice registered nurses, and registered professional nurses providing clinical services, who do not meet the definition of a qualified medical provider in Section 1a-1 of this Act, receive a minimum of 2 hours of continuing education on responding to sexual assault survivors every 2 years. Protocols for training shall be included in the hospital's sexual assault treatment plan.

Sexual assault training provided under this subsection may be provided in person or online and shall include, but not be limited to:

(1) information provided on the provision of medical forensic services;

(2) information on the use of the Illinois Sexual Assault Evidence Collection Kit;

(3) information on sexual assault epidemiology, neurobiology of trauma, drug-facilitated sexual assault, child sexual abuse, and Illinois sexual assault-related laws; and

(4) information on the hospital's sexual assault-related policies and procedures.

The online training made available by the Office of the Attorney General under subsection (b) of Section 10-1 may be used to comply with this subsection.

(b) An approved pediatric health care facility may provide medical forensic services, in accordance with rules adopted by the Department, to all pediatric sexual assault survivors who present for medical forensic services in relation to injuries or trauma resulting from a sexual assault. These services shall be provided by a qualified medical provider.

A pediatric health care facility must participate in or submit an areawide treatment plan under Section 3-1 of this Act that includes a treatment hospital. If a pediatric health care facility does not provide certain medical or surgical services that are provided by hospitals, the areawide sexual assault treatment plan must include a procedure for ensuring a sexual assault survivor in need of such medical or surgical services receives the services at the treatment hospital. The areawide treatment plan may also include a treatment hospital with approved pediatric transfer.

The Department shall review a proposed sexual assault treatment plan submitted by a pediatric health care facility within 60 days after receipt of the plan. If the Department finds that the proposed plan meets the minimum requirements set forth in Section 5-1 of this Act and that implementation of the proposed plan would provide medical forensic services for pediatric sexual assault survivors, then the Department shall approve the plan. If the Department does not approve a plan, then the Department shall notify the pediatric health care facility that the proposed plan has not been approved. The pediatric health care facility shall have 30 days to submit a revised plan. The Department shall review the revised plan within 30 days after receipt of the plan and notify the pediatric health care facility whether the revised plan is approved or rejected. A pediatric health care facility may not provide medical forensic services to pediatric sexual assault survivors who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days until the Department has approved a treatment plan.

If an approved pediatric health care facility is not open 24 hours a day, 7 days a week, it shall post signage at each public entrance to its facility that:

(1) is at least 14 inches by 14 inches in size;

(2) directs those seeking services as follows: "If closed, call 911 for services or go to the closest hospital emergency department, (insert name) located at (insert address).";

(3) lists the approved pediatric health care facility's hours of operation;

(4) lists the street address of the building;

(5) has a black background with white bold capital lettering in a clear and easy to read font that is at least 72-point type, and with "call 911" in at least 125-point type;

(6) is posted clearly and conspicuously on or adjacent to the door at each entrance and, if building materials allow, is posted internally for viewing through glass; if posted externally, the sign

shall be made of weather-resistant and theft-resistant materials, non-removable, and adhered permanently to the building; and

(7) has lighting that is part of the sign itself or is lit with a dedicated light that fully illuminates the sign.

(b-5) An approved federally qualified health center may provide medical forensic services, in accordance with rules adopted by the Department, to all sexual assault survivors 13 years old or older who present for medical forensic services in relation to injuries or trauma resulting from a sexual assault during the duration, and 90 days thereafter, of a proclamation issued by the Governor declaring a disaster, or a successive proclamation regarding the same disaster, in all 102 counties due to a public health emergency. These services must be available on-site during an approved federally qualified health center's hours of operation and shall be provided by ~~(i)~~ a qualified medical provider~~, physician, physician assistant, or advanced practice registered nurse who has received a minimum of 10 hours of sexual assault training provided by a qualified medical provider on current Illinois legislation, how to properly perform a medical forensic examination, evidence collection, drug and alcohol facilitated sexual assault, and forensic photography and has all documentation and photos peer reviewed by a qualified medical provider or (ii) until the federally qualified health care center certifies to the Department, in a form and manner prescribed by the Department, that it employs or contracts with a qualified medical provider in accordance with subsection (a-7) of Section 5-1, whichever occurs first~~. If the treatment plan is terminated, the federally qualified health center must submit to the Department for approval, before providing medical forensic services, a new treatment plan and a list of qualified medical providers to ensure coverage for the days and hours of operation.

A federally qualified health center must employ a Sexual Assault Nurse Examiner Coordinator who is a qualified medical provider and a Medical Director who is a qualified medical provider.

A federally qualified health center must participate in or submit an areawide treatment plan under Section 3-1 of this Act that includes a treatment hospital. If a federally qualified health center does not provide certain medical or surgical services that are provided by hospitals, the areawide sexual assault treatment plan must include a procedure for ensuring a sexual assault survivor in need of such medical or surgical services receives the services at the treatment hospital. The areawide treatment plan may also include a treatment hospital with approved pediatric transfer or an approved pediatric health care facility. An approved federally qualified health center must report each instance that a sexual assault survivor is transferred to a treatment hospital, treatment hospital with approved pediatric transfer, or an approved pediatric health care facility to the Department within 24 hours of the transfer, in a form and manner prescribed by the Department, including the reason for the transfer.

The Department shall review a proposed sexual assault treatment plan submitted by a federally qualified health center within 14 days after receipt of the plan. The ~~If the~~ Department shall approve the proposed sexual assault treatment plan if it finds that the proposed plan:

(1) meets the minimum requirements set forth in Section 5-1;

(2) ~~and that implementation of the proposed plan~~ would provide medical forensic services for sexual assault survivors 13 years old or older on-site during the approved federally qualified health center's hours of operation; and

(3) includes an emergency protocol for sexual assault survivors 13 years old or older to be transferred to a treatment hospital or treatment hospital with approved pediatric transfer to receive medical forensic services if medical forensic services are not available by a qualified medical provider during the approved federally qualified health center's hours of operation, as required ~~, then the Department shall approve the plan~~.

The Department shall not approve sexual assault treatment plans for more than 6 federally qualified health centers, which must be located in geographically diverse areas of the State. If the Department does not approve a plan, then the Department shall notify the federally qualified health center that the proposed plan has not been approved. The federally qualified health center shall have 14 days to submit a revised plan. The Department shall review the revised plan within 14 days after receipt of the plan and notify the federally qualified health center whether the revised plan is approved or rejected. A federally qualified health center may not (i) provide medical forensic services to sexual assault survivors 13 years old or older who present with a complaint of sexual assault within a minimum of the previous 7 days or (ii) who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the previous 7 days until the Department has approved a treatment plan.

Each approved federally qualified health center shall ensure that any physician, physician assistant, advanced practice registered nurse, or registered professional nurse who (i) provides clinical services to sexual assault survivors and (ii) does not meet the definition of a qualified medical provider under Section 1a-1 receives (A) a minimum of 2 hours of sexual assault training within 6 months after the effective date of this amendatory Act of the 102nd General Assembly or within 6 months after beginning employment, whichever is later, and (B) a minimum of 2 hours of continuing education on responding to sexual assault survivors every 2 years. Protocols for training shall be included in the approved federally qualified health center's sexual assault treatment plan. Sexual assault training provided under this paragraph may be provided in person or online and shall include, but not be limited to:

(1) information provided on the provision of medical forensic services;

(2) information on the use of the Illinois Sexual Assault Evidence Collection Kit;

(3) information on sexual assault epidemiology, neurobiology of trauma, drug-facilitated sexual assault, child sexual abuse, and Illinois sexual assault-related laws; and

(4) information on the approved federally qualified health center's sexual assault-related policies and procedures.

The online training made available by the Office of the Attorney General under subsection (b) of Section 10-1 may be used to comply with the sexual assault training required under the preceding paragraph.

If an approved federally qualified health center is not open 24 hours a day, 7 days a week, it shall post signage at each public entrance to its facility that:

(1) is at least 14 inches by 14 inches in size;

(2) directs those seeking services as follows: "If closed, call 911 for services or go to the closest hospital emergency department, (insert name) located at (insert address).";

(3) lists the approved federally qualified health center's hours of operation;

(4) lists the street address of the building;

(5) has a black background with white bold capital lettering in a clear and easy to read font that is at least 72-point type, and with "call 911" in at least 125-point type;

(6) is posted clearly and conspicuously on or adjacent to the door at each entrance and, if building materials allow, is posted internally for viewing through glass; if posted externally, the sign shall be made of weather-resistant and theft-resistant materials, non-removable, and adhered permanently to the building; ~~and~~

(7) has lighting that is part of the sign itself or is lit with a dedicated light that fully illuminates the sign;~~.~~

(8) directs those seeking services as follows: "Call the local rape crisis center for support."; and

(9) includes the name and hotline number, available 24 hours a day, 7 days a week, of the local rape crisis center.

A copy of the proposed sign must be submitted to the Department and approved as part of the approved federally qualified health center's sexual assault treatment plan.

(c) Each treatment hospital, treatment hospital with approved pediatric transfer, approved pediatric health care facility, and approved federally qualified health center must enter into a memorandum of understanding with a rape crisis center for medical advocacy services, if these services are available to the treatment hospital, treatment hospital with approved pediatric transfer, approved pediatric health care facility, or approved federally qualified health center. With the consent of the sexual assault survivor, a rape crisis counselor shall remain in the exam room during the collection for forensic evidence.

An approved federally qualified health center that has a memorandum of understanding with a rape crisis center must notify the rape crisis center immediately if medical forensic services are not available during the approved federally qualified health center's hours of operation or if the approved federally qualified health center's treatment plan is terminated by the Department.

(d) Every treatment hospital, treatment hospital with approved pediatric transfer, approved pediatric health care facility, and approved federally qualified health center's sexual assault treatment plan shall include procedures for complying with mandatory reporting requirements pursuant to (1) the Abused and Neglected Child Reporting Act; (2) the Abused and Neglected Long Term Care Facility Residents Reporting Act; (3) the Adult Protective Services Act; and (iv) the Criminal Identification Act.

(e) Each treatment hospital, treatment hospital with approved pediatric transfer, approved pediatric health care facility, and approved federally qualified health center shall submit to the Department every 6 months, in a manner prescribed by the Department, the following information:

(1) The total number of patients who presented with a complaint of sexual assault.

(2) The total number of Illinois Sexual Assault Evidence Collection Kits:

(A) offered to (i) all sexual assault survivors and (ii) pediatric sexual assault survivors pursuant to paragraph (1.5) of subsection (a-5) of Section 5-1;

(B) completed for (i) all sexual assault survivors and (ii) pediatric sexual assault survivors; and

(C) declined by (i) all sexual assault survivors and (ii) pediatric sexual assault survivors.

This information shall be made available on the Department's website.

(f) This Section is repealed on December 31, 2023.

(Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21.)

(410 ILCS 70/5-1)

(Section scheduled to be repealed on December 31, 2023)

Sec. 5-1. Minimum requirements for medical forensic services provided to sexual assault survivors by hospitals, approved pediatric health care facilities, and approved federally qualified health centers.

(a) Every hospital, approved pediatric health care facility, and approved federally qualified health center providing medical forensic services to sexual assault survivors under this Act shall, as minimum requirements for such services, provide, with the consent of the sexual assault survivor, and as ordered by the attending physician, an advanced practice registered nurse, or a physician assistant, the services set forth in subsection (a-5).

Beginning January 1, 2023, a qualified medical provider must provide the services set forth in subsection (a-5).

(a-5) A treatment hospital, a treatment hospital with approved pediatric transfer, ~~or~~ an approved pediatric health care facility, or an approved federally qualified health center shall provide the following services in accordance with subsection (a):

(1) Appropriate medical forensic services without delay, in a private, age-appropriate or developmentally-appropriate space, required to ensure the health, safety, and welfare of a sexual assault survivor and which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, in a proceeding under the Juvenile Court Act of 1987, or in an investigation under the Abused and Neglected Child Reporting Act.

Records of medical forensic services, including results of examinations and tests, the Illinois State Police Medical Forensic Documentation Forms, the Illinois State Police Patient Discharge Materials, and the Illinois State Police Patient Consent: Collect and Test Evidence or Collect and Hold Evidence Form, shall be maintained by the hospital or approved pediatric health care facility as part of the patient's electronic medical record.

Records of medical forensic services of sexual assault survivors under the age of 18 shall be retained by the hospital for a period of 60 years after the sexual assault survivor reaches the age of 18. Records of medical forensic services of sexual assault survivors 18 years of age or older shall be retained by the hospital for a period of 20 years after the date the record was created.

Records of medical forensic services may only be disseminated in accordance with Section 6.5-1 of this Act and other State and federal law.

(1.5) An offer to complete the Illinois Sexual Assault Evidence Collection Kit for any sexual assault survivor who presents within a minimum of the last 7 days of the assault or who has disclosed past sexual assault by a specific individual and was in the care of that individual within a minimum of the last 7 days.

(A) Appropriate oral and written information concerning evidence-based guidelines for the appropriateness of evidence collection depending on the sexual development of the sexual assault survivor, the type of sexual assault, and the timing of the sexual assault shall be provided to the sexual assault survivor. Evidence collection is encouraged for prepubescent sexual assault survivors who present to a hospital or approved pediatric health care facility with a complaint of sexual assault within a minimum of 96 hours after the sexual assault.

Before January 1, 2023, the information required under this subparagraph shall be provided in person by the health care professional providing medical forensic services directly to the sexual assault survivor.

On and after January 1, 2023, the information required under this subparagraph shall be provided in person by the qualified medical provider providing medical forensic services directly to the sexual assault survivor.

The written information provided shall be the information created in accordance with Section 10-1 of this Act.

(B) Following the discussion regarding the evidence-based guidelines for evidence collection in accordance with subparagraph (A), evidence collection must be completed at the sexual assault survivor's request. A sexual assault nurse examiner conducting an examination using the Illinois State Police Sexual Assault Evidence Collection Kit may do so without the presence or participation of a physician.

(2) Appropriate oral and written information concerning the possibility of infection, sexually transmitted infection, including an evaluation of the sexual assault survivor's risk of contracting human immunodeficiency virus (HIV) from sexual assault, and pregnancy resulting from sexual assault.

(3) Appropriate oral and written information concerning accepted medical procedures, laboratory tests, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault.

(3.5) After a medical evidentiary or physical examination, access to a shower at no cost, unless showering facilities are unavailable.

(4) An amount of medication, including HIV prophylaxis, for treatment at the hospital, ~~or~~ approved pediatric health care facility, or approved federally qualified health center and after discharge as is deemed appropriate by the attending physician, an advanced practice registered nurse, or a physician assistant in accordance with the Centers for Disease Control and Prevention guidelines and consistent with the hospital's or approved pediatric health care facility's current approved protocol for sexual assault survivors.

(5) Photo documentation of the sexual assault survivor's injuries, anatomy involved in the assault, or other visible evidence on the sexual assault survivor's body to supplement the medical forensic history and written documentation of physical findings and evidence beginning July 1, 2019. Photo documentation does not replace written documentation of the injury.

(6) Written and oral instructions indicating the need for follow-up examinations and laboratory tests after the sexual assault to determine the presence or absence of sexually transmitted infection.

(7) Referral by hospital, ~~or~~ approved pediatric health care facility, or approved federally qualified health center personnel for appropriate counseling.

(8) Medical advocacy services provided by a rape crisis counselor whose communications are protected under Section 8-802.1 of the Code of Civil Procedure, if there is a memorandum of understanding between the hospital, ~~or~~ approved pediatric health care facility, or approved federally qualified health center and a rape crisis center. With the consent of the sexual assault survivor, a rape crisis counselor shall remain in the exam room during the medical forensic examination.

(9) Written information regarding services provided by a Children's Advocacy Center and rape crisis center, if applicable.

(10) A treatment hospital, a treatment hospital with approved pediatric transfer, an out-of-state hospital as defined in Section 5.4, ~~or~~ an approved pediatric health care facility, or an approved federally qualified health center shall comply with the rules relating to the collection and tracking of sexual assault evidence adopted by the Department of State Police under Section 50 of the Sexual Assault Evidence Submission Act.

(11) Written information regarding the Illinois State Police sexual assault evidence tracking system.

(a-7) By January 1, 2023, every hospital with a treatment plan approved by the Department shall employ or contract with a qualified medical provider to initiate medical forensic services to a sexual assault survivor within 90 minutes of the patient presenting to the treatment hospital or treatment hospital with approved pediatric transfer. The provision of medical forensic services by a qualified medical provider shall not delay the provision of life-saving medical care.

(a-10) Every federally qualified health center with a treatment plan approved by the Department shall employ or contract with a qualified medical provider to initiate medical forensic services to a sexual assault survivor within 90 minutes of the patient presenting to the federally qualified health center. The provision of medical forensic services by a qualified medical provider shall not delay the provision of life-saving medical care.

(b) Any person who is a sexual assault survivor who seeks medical forensic services or follow-up healthcare under this Act shall be provided such services without the consent of any parent, guardian,

custodian, surrogate, or agent. If a sexual assault survivor is unable to consent to medical forensic services, the services may be provided under the Consent by Minors to Medical Procedures Act, the Health Care Surrogate Act, or other applicable State and federal laws.

(b-5) Every hospital, approved pediatric health care facility, or approved federally qualified health center providing medical forensic services to sexual assault survivors shall issue a voucher to any sexual assault survivor who is eligible to receive one in accordance with Section 5.2-1 of this Act. The hospital, approved pediatric health care facility, or approved federally qualified health center shall make a copy of the voucher and place it in the medical record of the sexual assault survivor. The hospital, approved pediatric health care facility, or approved federally qualified health center shall provide a copy of the voucher to the sexual assault survivor after discharge upon request.

(c) Nothing in this Section creates a physician-patient relationship that extends beyond discharge from the hospital, or approved pediatric health care facility, or approved federally qualified health center.

(d) This Section is repealed on December 31, 2023.

(Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21.)

(410 ILCS 70/5.4)

Sec. 5.4. Out-of-state hospitals.

(a) Nothing in this Section shall prohibit the transfer of a patient in need of medical services from a hospital that has been designated as a trauma center by the Department in accordance with Section 3.90 of the Emergency Medical Services (EMS) Systems Act.

(b) A transfer hospital, treatment hospital with approved pediatric transfer, or approved pediatric health care facility may transfer a sexual assault survivor to an out-of-state hospital that has been designated as a trauma center by the Department under Section 3.90 of the Emergency Medical Services (EMS) Systems Act if the out-of-state hospital: (1) submits an areawide treatment plan approved by the Department; and (2) has certified the following to the Department in a form and manner prescribed by the Department that the out-of-state hospital will:

(i) consent to the jurisdiction of the Department in accordance with Section 2.06 of this Act;

(ii) comply with all requirements of this Act applicable to treatment hospitals, including, but not limited to, offering evidence collection to any Illinois sexual assault survivor who presents with a complaint of sexual assault within a minimum of the last 7 days or who has disclosed past sexual assault by a specific individual and was in the care of that individual within a minimum of the last 7 days and not billing the sexual assault survivor for medical forensic services or 180 ~~90~~ days of follow-up healthcare;

(iii) use an Illinois State Police Sexual Assault Evidence Collection Kit to collect forensic evidence from an Illinois sexual assault survivor;

(iv) ensure its staff cooperates with Illinois law enforcement agencies and are responsive to subpoenas issued by Illinois courts; and

(v) provide appropriate transportation upon the completion of medical forensic services back to the transfer hospital or treatment hospital with pediatric transfer where the sexual assault survivor initially presented seeking medical forensic services, unless the sexual assault survivor chooses to arrange his or her own transportation.

(c) Subsection (b) of this Section is inoperative on and after January 1, 2024.

(Source: P.A. 100-775, eff. 1-1-19.)

(410 ILCS 70/5.5)

Sec. 5.5. Minimum reimbursement requirements for follow-up healthcare.

(a) Every hospital, pediatric health care facility, health care professional, laboratory, or pharmacy that provides follow-up healthcare to a sexual assault survivor, with the consent of the sexual assault survivor and as ordered by the attending physician, an advanced practice registered nurse, or physician assistant shall be reimbursed for the follow-up healthcare services provided. Follow-up healthcare services include, but are not limited to, the following:

(1) a physical examination;

(2) laboratory tests to determine the presence or absence of sexually transmitted infection; and

(3) appropriate medications, including HIV prophylaxis, in accordance with the Centers for Disease Control and Prevention's guidelines.

(b) Reimbursable follow-up healthcare is limited to office visits with a physician, advanced practice registered nurse, or physician assistant within 180 ~~90~~ days after an initial visit for hospital medical forensic services.

(c) Nothing in this Section requires a hospital, pediatric health care facility, health care professional, laboratory, or pharmacy to provide follow-up healthcare to a sexual assault survivor.

(d) This Section is effective on and after January 1, 2024.

(Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21.)

(410 ILCS 70/5.5-1)

(Section scheduled to be repealed on December 31, 2023)

Sec. 5.5-1. Minimum reimbursement requirements for follow-up healthcare.

(a) Every hospital, pediatric health care facility, federally qualified health center, health care professional, laboratory, or pharmacy that provides follow-up healthcare to a sexual assault survivor, with the consent of the sexual assault survivor and as ordered by the attending physician, an advanced practice registered nurse, or physician assistant shall be reimbursed for the follow-up healthcare services provided. Follow-up healthcare services include, but are not limited to, the following:

(1) a physical examination;

(2) laboratory tests to determine the presence or absence of sexually transmitted infection; and

(3) appropriate medications, including HIV prophylaxis, in accordance with the Centers for Disease Control and Prevention's guidelines.

(b) Reimbursable follow-up healthcare is limited to office visits with a physician, advanced practice registered nurse, or physician assistant within 180 ~~90~~ days after an initial visit for hospital medical forensic services.

(c) Nothing in this Section requires a hospital, pediatric health care facility, federally qualified health center, health care professional, laboratory, or pharmacy to provide follow-up healthcare to a sexual assault survivor.

(d) This Section is repealed on December 31, 2023.

(Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21.)

(410 ILCS 70/7.5)

Sec. 7.5. Prohibition on billing sexual assault survivors directly for certain services; written notice; billing protocols.

(a) A hospital, approved pediatric health care facility, health care professional, ambulance provider, laboratory, or pharmacy furnishing medical forensic services, transportation, follow-up healthcare, or medication to a sexual assault survivor shall not:

(1) charge or submit a bill for any portion of the costs of the services, transportation, or medications to the sexual assault survivor, including any insurance deductible, co-pay, co-insurance, denial of claim by an insurer, spenddown, or any other out-of-pocket expense;

(2) communicate with, harass, or intimidate the sexual assault survivor for payment of services, including, but not limited to, repeatedly calling or writing to the sexual assault survivor and threatening to refer the matter to a debt collection agency or to an attorney for collection, enforcement, or filing of other process;

(3) refer a bill to a collection agency or attorney for collection action against the sexual assault survivor;

(4) contact or distribute information to affect the sexual assault survivor's credit rating; or

(5) take any other action adverse to the sexual assault survivor or his or her family on account of providing services to the sexual assault survivor.

(a-5) Notwithstanding any other provision of law, including, but not limited to, subsection (a), a sexual assault survivor who is not the subscriber or primary policyholder of the sexual assault survivor's insurance policy may opt out of billing the sexual assault survivor's private insurance provider. If the sexual assault survivor opts out of billing the sexual assault survivor's private insurance provider, then the bill for medical forensic services shall be sent to the Department of Healthcare and Family Services' Sexual Assault Emergency Treatment Program for reimbursement for the services provided to the sexual assault survivor.

(b) Nothing in this Section precludes a hospital, health care provider, ambulance provider, laboratory, or pharmacy from billing the sexual assault survivor or any applicable health insurance or coverage for inpatient services.

(c) Every hospital and approved pediatric health care facility providing treatment services to sexual assault survivors in accordance with a plan approved under Section 2 of this Act shall provide a written notice to a sexual assault survivor. The written notice must include, but is not limited to, the following:

(1) a statement that the sexual assault survivor should not be directly billed by any ambulance provider providing transportation services, or by any hospital, approved pediatric health care facility,

health care professional, laboratory, or pharmacy for the services the sexual assault survivor received as an outpatient at the hospital or approved pediatric health care facility;

(2) a statement that a sexual assault survivor who is admitted to a hospital may be billed for inpatient services provided by a hospital, health care professional, laboratory, or pharmacy;

(3) a statement that prior to leaving the hospital or approved pediatric health care facility, the hospital or approved pediatric health care facility will give the sexual assault survivor a sexual assault services voucher for follow-up healthcare if the sexual assault survivor is eligible to receive a sexual assault services voucher;

(4) the definition of "follow-up healthcare" as set forth in Section 1a of this Act;

(5) a phone number the sexual assault survivor may call should the sexual assault survivor receive a bill from the hospital or approved pediatric health care facility for medical forensic services;

(6) the toll-free phone number of the Office of the Illinois Attorney General, which the sexual assault survivor may call should the sexual assault survivor receive a bill from an ambulance provider, approved pediatric health care facility, a health care professional, a laboratory, or a pharmacy.

This subsection (c) shall not apply to hospitals that provide transfer services as defined under Section 1a of this Act.

(d) Within 60 days after the effective date of this amendatory Act of the 99th General Assembly, every health care professional, except for those employed by a hospital or hospital affiliate, as defined in the Hospital Licensing Act, or those employed by a hospital operated under the University of Illinois Hospital Act, who bills separately for medical or forensic services must develop a billing protocol that ensures that no survivor of sexual assault will be sent a bill for any medical forensic services and submit the billing protocol to the Office of the Attorney General for approval. Within 60 days after the commencement of the provision of medical forensic services, every health care professional, except for those employed by a hospital or hospital affiliate, as defined in the Hospital Licensing Act, or those employed by a hospital operated under the University of Illinois Hospital Act, who bills separately for medical or forensic services must develop a billing protocol that ensures that no survivor of sexual assault is sent a bill for any medical forensic services and submit the billing protocol to the Attorney General for approval. Health care professionals who bill as a legal entity may submit a single billing protocol for the billing entity.

Within 60 days after the Department's approval of a treatment plan, an approved pediatric health care facility and any health care professional employed by an approved pediatric health care facility must develop a billing protocol that ensures that no survivor of sexual assault is sent a bill for any medical forensic services and submit the billing protocol to the Office of the Attorney General for approval.

The billing protocol must include at a minimum:

(1) a description of training for persons who prepare bills for medical and forensic services;

(2) a written acknowledgement signed by a person who has completed the training that the person will not bill survivors of sexual assault;

(3) prohibitions on submitting any bill for any portion of medical forensic services provided to a survivor of sexual assault to a collection agency;

(4) prohibitions on taking any action that would adversely affect the credit of the survivor of sexual assault;

(5) the termination of all collection activities if the protocol is violated; and

(6) the actions to be taken if a bill is sent to a collection agency or the failure to pay is reported to any credit reporting agency.

The Office of the Attorney General may provide a sample acceptable billing protocol upon request.

The Office of the Attorney General shall approve a proposed protocol if it finds that the implementation of the protocol would result in no survivor of sexual assault being billed or sent a bill for medical forensic services.

If the Office of the Attorney General determines that implementation of the protocol could result in the billing of a survivor of sexual assault for medical forensic services, the Office of the Attorney General shall provide the health care professional or approved pediatric health care facility with a written statement of the deficiencies in the protocol. The health care professional or approved pediatric health care facility shall have 30 days to submit a revised billing protocol addressing the deficiencies to the Office of the Attorney General. The health care professional or approved pediatric health care facility shall implement the protocol upon approval by the Office of the Attorney General.

The health care professional or approved pediatric health care facility shall submit any proposed revision to or modification of an approved billing protocol to the Office of the Attorney General for

approval. The health care professional or approved pediatric health care facility shall implement the revised or modified billing protocol upon approval by the Office of the Illinois Attorney General.

(e) This Section is effective on and after January 1, 2024.

(Source: P.A. 101-634, eff. 6-5-20; 101-652, eff. 7-1-21; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21.)

(410 ILCS 70/7.5-1)

(Section scheduled to be repealed on December 31, 2023)

Sec. 7.5-1. Prohibition on billing sexual assault survivors directly for certain services; written notice; billing protocols.

(a) A hospital, approved pediatric health care facility, approved federally qualified health center, health care professional, ambulance provider, laboratory, or pharmacy furnishing medical forensic services, transportation, follow-up healthcare, or medication to a sexual assault survivor shall not:

(1) charge or submit a bill for any portion of the costs of the services, transportation, or medications to the sexual assault survivor, including any insurance deductible, co-pay, co-insurance, denial of claim by an insurer, spenddown, or any other out-of-pocket expense;

(2) communicate with, harass, or intimidate the sexual assault survivor for payment of services, including, but not limited to, repeatedly calling or writing to the sexual assault survivor and threatening to refer the matter to a debt collection agency or to an attorney for collection, enforcement, or filing of other process;

(3) refer a bill to a collection agency or attorney for collection action against the sexual assault survivor;

(4) contact or distribute information to affect the sexual assault survivor's credit rating; or

(5) take any other action adverse to the sexual assault survivor or his or her family on account of providing services to the sexual assault survivor.

(a-5) Notwithstanding any other provision of law, including, but not limited to, subsection (a), a sexual assault survivor who is not the subscriber or primary policyholder of the sexual assault survivor's insurance policy may opt out of billing the sexual assault survivor's private insurance provider. If the sexual assault survivor opts out of billing the sexual assault survivor's private insurance provider, then the bill for medical forensic services shall be sent to the Department of Healthcare and Family Services' Sexual Assault Emergency Treatment Program for reimbursement for the services provided to the sexual assault survivor.

(b) Nothing in this Section precludes a hospital, health care provider, ambulance provider, laboratory, or pharmacy from billing the sexual assault survivor or any applicable health insurance or coverage for inpatient services.

(c) Every hospital, approved pediatric health care facility, and approved federally qualified health center providing treatment services to sexual assault survivors in accordance with a plan approved under Section 2-1 of this Act shall provide a written notice to a sexual assault survivor. The written notice must include, but is not limited to, the following:

(1) a statement that the sexual assault survivor should not be directly billed by any ambulance provider providing transportation services, or by any hospital, approved pediatric health care facility, approved federally qualified health center, health care professional, laboratory, or pharmacy for the services the sexual assault survivor received as an outpatient at the hospital, approved pediatric health care facility, or approved federally qualified health center;

(2) a statement that a sexual assault survivor who is admitted to a hospital may be billed for inpatient services provided by a hospital, health care professional, laboratory, or pharmacy;

(3) a statement that prior to leaving the hospital, approved pediatric health care facility, or approved federally qualified health center, the hospital, approved pediatric health care facility, or approved federally qualified health center will give the sexual assault survivor a sexual assault services voucher for follow-up healthcare if the sexual assault survivor is eligible to receive a sexual assault services voucher;

(4) the definition of "follow-up healthcare" as set forth in Section 1a-1 of this Act;

(5) a phone number the sexual assault survivor may call should the sexual assault survivor receive a bill from the hospital, approved pediatric health care facility, or approved federally qualified health center for medical forensic services;

(6) the toll-free phone number of the Office of the Illinois Attorney General, Crime Victim Services Division, which the sexual assault survivor may call should the sexual assault survivor receive a bill from an ambulance provider, approved pediatric health care facility, approved federally qualified health center, a health care professional, a laboratory, or a pharmacy.

This subsection (c) shall not apply to hospitals that provide transfer services as defined under Section 1a-1 of this Act.

(d) Within 60 days after the effective date of this amendatory Act of the 101st General Assembly, every health care professional, except for those employed by a hospital or hospital affiliate, as defined in the Hospital Licensing Act, or those employed by a hospital operated under the University of Illinois Hospital Act, who bills separately for medical or forensic services must develop a billing protocol that ensures that no survivor of sexual assault will be sent a bill for any medical forensic services and submit the billing protocol to the Crime Victim Services Division of the Office of the Attorney General for approval. Within 60 days after the commencement of the provision of medical forensic services, every health care professional, except for those employed by a hospital or hospital affiliate, as defined in the Hospital Licensing Act, or those employed by a hospital operated under the University of Illinois Hospital Act, who bills separately for medical or forensic services must develop a billing protocol that ensures that no survivor of sexual assault is sent a bill for any medical forensic services and submit the billing protocol to the Crime Victim Services Division of the Office of the Attorney General for approval. Health care professionals who bill as a legal entity may submit a single billing protocol for the billing entity.

Within 60 days after the Department's approval of a treatment plan, an approved pediatric health care facility and any health care professional employed by an approved pediatric health care facility must develop a billing protocol that ensures that no survivor of sexual assault is sent a bill for any medical forensic services and submit the billing protocol to the Crime Victim Services Division of the Office of the Attorney General for approval.

Within 14 days after the Department's approval of a treatment plan, an approved federally qualified health center and any health care professional employed by an approved federally qualified health center must develop a billing protocol that ensures that no survivor of sexual assault is sent a bill for any medical forensic services and submit the billing protocol to the Crime Victim Services Division of the Office of the Attorney General for approval.

The billing protocol must include at a minimum:

(1) a description of training for persons who prepare bills for medical and forensic services;

(2) a written acknowledgement signed by a person who has completed the training that the person will not bill survivors of sexual assault;

(3) prohibitions on submitting any bill for any portion of medical forensic services provided to a survivor of sexual assault to a collection agency;

(4) prohibitions on taking any action that would adversely affect the credit of the survivor of sexual assault;

(5) the termination of all collection activities if the protocol is violated; and

(6) the actions to be taken if a bill is sent to a collection agency or the failure to pay is reported to any credit reporting agency.

The Crime Victim Services Division of the Office of the Attorney General may provide a sample acceptable billing protocol upon request.

The Office of the Attorney General shall approve a proposed protocol if it finds that the implementation of the protocol would result in no survivor of sexual assault being billed or sent a bill for medical forensic services.

If the Office of the Attorney General determines that implementation of the protocol could result in the billing of a survivor of sexual assault for medical forensic services, the Office of the Attorney General shall provide the health care professional or approved pediatric health care facility with a written statement of the deficiencies in the protocol. The health care professional or approved pediatric health care facility shall have 30 days to submit a revised billing protocol addressing the deficiencies to the Office of the Attorney General. The health care professional or approved pediatric health care facility shall implement the protocol upon approval by the Crime Victim Services Division of the Office of the Attorney General.

The health care professional, approved pediatric health care facility, or approved federally qualified health center shall submit any proposed revision to or modification of an approved billing protocol to the Crime Victim Services Division of the Office of the Attorney General for approval. The health care professional, approved pediatric health care facility, or approved federally qualified health center shall implement the revised or modified billing protocol upon approval by the Crime Victim Services Division of the Office of the Illinois Attorney General.

(e) This Section is repealed on December 31, 2023.

(Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21.)

(410 ILCS 70/9.5)

(Section scheduled to be repealed on January 1, 2024)

Sec. 9.5. Sexual Assault Medical Forensic Services Implementation Task Force.

(a) The Sexual Assault Medical Forensic Services Implementation Task Force is created to assist hospitals and approved pediatric health care facilities with the implementation of the changes made by this amendatory Act of the l00th General Assembly. The Task Force shall consist of the following members, who shall serve without compensation:

(1) one member of the Senate appointed by the President of the Senate, who may designate an alternate member;

(2) one member of the Senate appointed by the Minority Leader of the Senate, who may designate an alternate member;

(3) one member of the House of Representatives appointed by the Speaker of the House of Representatives, who may designate an alternate member;

(4) one member of the House of Representatives appointed by the Minority Leader of the House of Representatives, who may designate an alternate member;

(5) two members representing the Office of the Attorney General appointed by the Attorney General, one of whom shall be the Sexual Assault Nurse Examiner Coordinator for the State of Illinois;

(6) one member representing the Department of Public Health appointed by the Director of Public Health;

(7) one member representing the Illinois State Police appointed by the Director of the Illinois State Police;

(8) one member representing the Department of Healthcare and Family Services appointed by the Director of Healthcare and Family Services;

(9) six members representing hospitals appointed by the head of a statewide organization representing the interests of hospitals in Illinois, at least one of whom shall represent small and rural hospitals and at least one of these members shall represent urban hospitals;

(10) one member representing physicians appointed by the head of a statewide organization representing the interests of physicians in Illinois;

(11) one member representing emergency physicians appointed by the head of a statewide organization representing the interests of emergency physicians in Illinois;

(12) two members representing child abuse pediatricians appointed by the head of a statewide organization representing the interests of child abuse pediatricians in Illinois, at least one of whom shall represent child abuse pediatricians providing medical forensic services in rural locations and at least one of whom shall represent child abuse pediatricians providing medical forensic services in urban locations;

(13) one member representing nurses appointed by the head of a statewide organization representing the interests of nurses in Illinois;

(14) two members representing sexual assault nurse examiners appointed by the head of a statewide organization representing the interests of forensic nurses in Illinois, at least one of whom shall represent pediatric/adolescent sexual assault nurse examiners and at least one of these members shall represent adult/adolescent sexual assault nurse examiners;

(15) one member representing State's Attorneys appointed by the head of a statewide organization representing the interests of State's Attorneys in Illinois;

(16) three members representing sexual assault survivors appointed by the head of a statewide organization representing the interests of sexual assault survivors and rape crisis centers, at least one of whom shall represent rural rape crisis centers and at least one of whom shall represent urban rape crisis centers; ~~and~~

(17) one member representing children's advocacy centers appointed by the head of a statewide organization representing the interests of children's advocacy centers in Illinois; and~~.~~

(18) one member representing approved federally qualified health centers appointed by the Director of Public Health.

The members representing the Office of the Attorney General and the Department of Public Health shall serve as co-chairpersons of the Task Force. The Office of the Attorney General shall provide administrative and other support to the Task Force.

(b) The first meeting of the Task Force shall be called by the co-chairpersons no later than 90 days after the effective date of this Section.

(c) The goals of the Task Force shall include, but not be limited to, the following:

(1) to facilitate the development of areawide treatment plans among hospitals and pediatric health care facilities;

(2) to facilitate the development of on-call systems of qualified medical providers and assist hospitals with the development of plans to employ or contract with a qualified medical provider to initiate medical forensic services to a sexual assault survivor within 90 minutes of the patient presenting to the hospital as required in subsection (a-7) of Section 5;

(3) to identify photography and storage options for hospitals to comply with the photo documentation requirements in Sections 5 and 5.1;

(4) to develop a model written agreement for use by rape crisis centers, hospitals, and approved pediatric health care facilities with sexual assault treatment plans to comply with subsection (c) of Section 2;

(5) to develop and distribute educational information regarding the implementation of this Act to hospitals, health care providers, rape crisis centers, children's advocacy centers, State's Attorney's offices;

(6) to examine the role of telemedicine in the provision of medical forensic services under this Act and to develop recommendations for statutory change and standards and procedures for the use of telemedicine to be adopted by the Department;

(7) to seek inclusion of the International Association of Forensic Nurses Sexual Assault Nurse Examiner Education Guidelines for nurses within the registered nurse training curriculum in Illinois nursing programs and the American College of Emergency Physicians Management of the Patient with the Complaint of Sexual Assault for emergency physicians within the Illinois residency training curriculum for emergency physicians; and

(8) to submit a report to the General Assembly by January 1, 2024 ~~2023~~ regarding the status of implementation of this amendatory Act of the 100th General Assembly, including, but not limited to, the impact of transfers to out-of-state hospitals on sexual assault survivors and the availability of treatment hospitals in Illinois. The report shall also cover the impact of medical forensic services provided at approved federally qualified health centers on sexual assault survivors. The~~; the~~ report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct.

(d) This Section is repealed on January 1, 2025 ~~2024~~.

(Source: P.A. 102-538, eff. 8-20-21.)

Section 99. Effective date. This Section and the changes to Sections 2-1, 5-1, and 9.5 of the Sexual Assault Survivors Emergency Treatment Act take effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 3023**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 3032

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 3032

Passed the House, as amended, March 29, 2022.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 3032

AMENDMENT NO. 2 . Amend Senate Bill 3032 on page 4, by replacing lines 20 and 21 with "agencies, except as provided by federal law.".

Under the rules, the foregoing **Senate Bill No. 3032**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 1097
A bill for AN ACT concerning regulation.

SENATE BILL NO. 1233
A bill for AN ACT concerning transportation.

SENATE BILL NO. 1411
A bill for AN ACT concerning local government.

SENATE BILL NO. 1435
A bill for AN ACT concerning regulation.

SENATE BILL NO. 1571
A bill for AN ACT concerning local government.

SENATE BILL NO. 2535
A bill for AN ACT concerning criminal law.

SENATE BILL NO. 2952
A bill for AN ACT concerning public employee benefits.

Passed the House, March 29, 2022.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 2958
A bill for AN ACT concerning public employee benefits.

SENATE BILL NO. 2989
A bill for AN ACT concerning public employee benefits.

SENATE BILL NO. 2990
A bill for AN ACT concerning local government.

SENATE BILL NO. 2993
A bill for AN ACT concerning health.

SENATE BILL NO. 3011
A bill for AN ACT concerning health.

SENATE BILL NO. 3017
A bill for AN ACT concerning education.

SENATE BILL NO. 3019
A bill for AN ACT concerning criminal law.

Passed the House, March 29, 2022.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 3024
A bill for AN ACT concerning criminal law.

Passed the House, March 29, 2022.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 28

Concurred in by the House, March 29, 2022.

JOHN W. HOLLMAN, Clerk of the House

At the hour of 5:44 o'clock p.m., the Chair announced that the Senate stands adjourned until Wednesday, March 30, 2022, at 11:00 o'clock a.m.