

1 AN ACT concerning State government.

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

4 Article 5.

5 Section 5-5. The Election Code is amended by changing
6 Section 12A-10 as follows:

7 (10 ILCS 5/12A-10)

8 Sec. 12A-10. Candidate statements and photographs in the
9 Internet Guide.

10 (a) Any candidate whose name appears in the Internet Guide
11 may submit a written statement and a photograph to appear in
12 the Internet Guide, provided that:

13 (1) No personal statement may exceed a brief biography
14 (name, age, education, and current employment) and an
15 additional 400 words.

16 (2) Personal statements may include contact
17 information for the candidate, including the address and
18 phone number of the campaign headquarters, and the
19 candidate's website.

20 (3) Personal statements may not mention a candidate's
21 opponents by name.

22 (4) No personal statement may include language that

1 may not be legally sent through the mail.

2 (5) The photograph shall be a conventional photograph
3 with a plain background and show only the face, or the
4 head, neck, and shoulders, of the candidate.

5 (6) The photograph shall not (i) show the candidate's
6 hands, anything in the candidate's hands, or the candidate
7 wearing a judicial robe, a hat, or a military, police, or
8 fraternal uniform or (ii) include the uniform or insignia
9 of any organization.

10 (b) The Board must note in the text of the Internet Guide
11 that personal statements were submitted by the candidate or
12 his or her designee and were not edited by the Board.

13 (c) Where a candidate declines to submit a statement, the
14 Board may note that the candidate declined to submit a
15 statement.

16 (d) (Blank). ~~(Blank.)~~

17 (e) Anyone other than the candidate submitting a statement
18 or photograph from a candidate must attest that he or she is
19 doing so on behalf and at the direction of the candidate. The
20 Board may assess a civil fine of no more than \$1,000 against a
21 person or entity who falsely submits a statement or photograph
22 not authorized by the candidate.

23 (f) Nothing in this Article makes the author of any
24 statement exempt from any civil or criminal action because of
25 any defamatory statements offered for posting or contained in
26 the Internet Guide. The persons writing, signing, or offering

1 a statement for inclusion in the Internet Guide are deemed to
2 be its authors and publishers, and the Board shall not be
3 liable in any case or action relating to the content of any
4 material submitted by any candidate.

5 (g) The Board may set reasonable deadlines for the
6 submission of personal statements and photographs.

7 (h) The Board may set formats for the submission of
8 statements and photographs. The Board may require that
9 statements and photographs are submitted in an electronic
10 format.

11 (i) Fines collected pursuant to subsection (e) of this
12 Section shall be deposited into the Elections Special Projects
13 Fund ~~Voters' Guide Fund, a special fund created in the State~~
14 ~~treasury. Moneys in the Voters' Guide Fund shall be~~
15 ~~appropriated solely to the State Board of Elections for use in~~
16 ~~the implementation and administration of this Article 12A.~~

17 (Source: P.A. 94-645, eff. 8-22-05; 95-699, eff. 11-9-07.)

18 Section 5-10. The Accessible Electronic Information Act is
19 amended by changing Sections 15 and 20 as follows:

20 (15 ILCS 323/15)

21 Sec. 15. Accessible electronic information service
22 program. The Director by rule shall develop and implement a
23 program of grants to qualified entities for the provision of
24 accessible electronic information service to blind persons and

1 persons with disabilities throughout Illinois. ~~The grants~~
2 ~~shall be funded through appropriations from the Accessible~~
3 ~~Electronic Information Service Fund established in Section 20.~~
4 (Source: P.A. 99-143, eff. 7-27-15.)

5 (15 ILCS 323/20)

6 Sec. 20. Accessible Electronic Information Service Fund.

7 (a) Before July 1 of each year through 2025, the Illinois
8 Commerce Commission, in consultation with the Director, shall
9 determine the amount of funding necessary to support the
10 program described in Section 15 during the next fiscal year
11 and shall certify that amount to the State Treasurer.

12 (b) Each month, the State Treasurer shall transfer 1/12th
13 of the amount determined under subsection (a) from the Digital
14 Divide Elimination Infrastructure Fund into the Accessible
15 Electronic Information Service Fund, a special fund created in
16 the State treasury that may be appropriated only for the
17 purposes of this Act. If moneys in the Digital Divide
18 Elimination Infrastructure Fund are insufficient to meet the
19 transfer requirements of this subsection, the Illinois
20 Commerce Commission shall direct the Illinois
21 Telecommunications Access Corporation, or its successor, to
22 remit the amount of any insufficiency to the Director for
23 deposit into the Accessible Electronic Information Service
24 Fund from surcharges collected by the Corporation, or its
25 successor, under Section 13-703 of the Public Utilities Act.

1 (c) On July 1, 2026 or as soon thereafter as practical, the
2 State Comptroller shall direct and the State Treasurer shall
3 transfer the remaining balance from the Accessible Electronic
4 Information Service Fund into the General Revenue Fund. Upon
5 completion of the transfer, the Accessible Electronic
6 Information Service Fund is dissolved, and any future deposits
7 due to that Fund and any outstanding obligations or
8 liabilities of that Fund pass to the General Revenue Fund.
9 This Section is repealed on January 1, 2027.

10 (Source: P.A. 93-797, eff. 7-22-04.)

11 Section 5-15. The State Fair Act is amended by adding
12 Section 10.5 as follows:

13 (20 ILCS 210/10.5 new)

14 Sec. 10.5. Transfer of moneys into the Illinois State Fair
15 Fund. Notwithstanding any other provision of law, on July 1,
16 2026 or as soon thereafter as practical, the State Comptroller
17 shall direct and the State Treasurer shall transfer the
18 remaining balance from the State Fair Promotional Activities
19 Fund and the Watershed Park Fund into the Illinois State Fair
20 Fund. Upon completion of the transfers, the State Fair
21 Promotional Activities Fund and the Watershed Park Fund are
22 dissolved, and any future deposits due to those funds and any
23 outstanding obligations or liabilities of those funds shall
24 pass to the Illinois State Fair Fund. This Section is repealed

1 on January 1, 2027.

2 (20 ILCS 605/605-1085 rep.)

3 Section 5-20. The Department of Commerce and Economic
4 Opportunity Law of the Civil Administrative Code of Illinois
5 is amended by repealing Section 605-1085.

6 Section 5-25. The Department of Natural Resources
7 (Conservation) Law of the Civil Administrative Code of
8 Illinois is amended by changing Section 805-420 as follows:

9 (20 ILCS 805/805-420) (was 20 ILCS 805/63a36)

10 Sec. 805-420. Appropriations from Park and Conservation
11 Fund. The Department has the power to expend moneys ~~monies~~
12 appropriated to the Department from the Park and Conservation
13 Fund in the State treasury for conservation and park purposes.

14 All ~~Eighty percent of the~~ revenue derived from fees paid
15 for certificates of title, duplicate certificates of title and
16 corrected certificates of title and deposited into ~~in~~ the Park
17 and Conservation Fund, as provided for in Section 2-119 of the
18 Illinois Vehicle Code, shall be expended solely by the
19 Department pursuant to an appropriation for acquisition,
20 development, and maintenance of bike paths, including grants
21 for the acquisition and development of bike paths. All and 20%
22 ~~of the~~ revenue derived from fees paid for certificates of
23 title, duplicate certificates of title and corrected

1 certificates of title and shall be deposited into the Illinois
2 Fisheries Management Fund, a special fund created in the State
3 treasury, as provided for in Section 2-119 of the Illinois
4 Vehicle Code, shall ~~Treasury to~~ be used for the operation of
5 the Division of Fisheries within the Department.

6 Revenue derived from fees paid for the registration of
7 motor vehicles of the first division and deposited into ~~in~~ the
8 Park and Conservation Fund, as provided for in Section 3-806
9 of the Illinois Vehicle Code, shall be expended by the
10 Department for the following purposes:

11 (A) Fifty percent of funds derived from the vehicle
12 registration fee shall be used by the Department for
13 normal operations.

14 (B) Fifty percent of funds derived from the vehicle
15 registration fee shall be used by the Department for
16 construction and maintenance of State owned, leased, and
17 managed sites.

18 The moneys ~~monies~~ deposited into the Park and Conservation
19 Fund and the Illinois Fisheries Management Fund under this
20 Section shall not be subject to administrative charges or
21 chargebacks unless otherwise authorized by this Act.

22 (Source: P.A. 97-1136, eff. 1-1-13.)

23 Section 5-30. The Department of Human Services Act is
24 amended by changing Section 10-50 as follows:

1 (20 ILCS 1305/10-50)

2 Sec. 10-50. Illinois Steps for Attaining Higher Education
3 through Academic Development Program established. The Illinois
4 Steps for Attaining Higher Education through Academic
5 Development ("Illinois Steps AHEAD") program is established in
6 the Illinois Department of Human Services. Illinois Steps
7 AHEAD shall provide educational services and post-secondary
8 educational scholarships for low-income middle and high school
9 students. Program components shall include increased parent
10 involvement, creative and engaging academic support for
11 students, career exploration programs, college preparation,
12 and increased collaboration with local schools. The Illinois
13 Department of Human Services shall administer the program. The
14 Department shall implement the program only if federal funding
15 is made available for that purpose. All moneys received
16 pursuant to the federal Gaining Early Awareness and Readiness
17 for Undergraduate Programs shall be deposited into the Gaining
18 Early Awareness and Readiness for Undergraduate Programs Fund,
19 a special fund hereby created in the State treasury. Moneys in
20 this fund shall be appropriated to the Department of Human
21 Services and expended for the purposes and activities
22 specified by the federal agency making the grant. All interest
23 earnings on amounts in the Gaining Early Awareness and
24 Readiness for Undergraduate Programs Fund shall accrue to the
25 Gaining Early Awareness and Readiness for Undergraduate
26 Programs Fund and be used in accordance with 34 CFR ~~C.F.R.~~

1 75.703. Notwithstanding any other provision of law, on July 1,
2 2026 or as soon thereafter as practical, the State Comptroller
3 shall direct and the State Treasurer shall transfer the
4 remaining balance from the Gaining Early Awareness and
5 Readiness for Undergraduate Programs Fund into the General
6 Revenue Fund. Upon completion of the transfers, the Gaining
7 Early Awareness and Readiness for Undergraduate Programs Fund
8 is dissolved, and any future deposits due to that Fund and any
9 outstanding obligations or liabilities of that Fund shall pass
10 to the General Revenue Fund. This Section is repealed on
11 January 1, 2027.

12 (Source: P.A. 94-1043, eff. 7-24-06.)

13 Section 5-35. The Domestic Violence Shelters Act is
14 amended by adding Section 3.5 as follows:

15 (20 ILCS 1310/3.5 new)

16 Sec. 3.5. Domestic Violence Shelter and Service Fund.
17 There is created in the State treasury a special fund known as
18 the Domestic Violence Shelter and Service Fund. The State
19 Treasurer shall deposit into the Domestic Violence Shelter and
20 Service Fund each assessment received under the Criminal and
21 Traffic Assessment Act. Moneys deposited into the Fund shall
22 be appropriated to the Department of Human Services for the
23 purpose of providing services specified by this Act.

(20 ILCS 1310/3.2 rep.)

Section 5-40. The Domestic Violence Shelters Act is amended by repealing Section 3.2.

Section 5-45. The Department of Human Services (Mental Health and Developmental Disabilities) Law of the Civil Administrative Code of Illinois is amended by changing Section 1710-100 as follows:

(20 ILCS 1710/1710-100) (was 20 ILCS 1710/53d)

Sec. 1710-100. Grants to Special Olympics Illinois. The Department shall make grants to Special Olympics Illinois for area and statewide athletic competitions from appropriations to the Department from the Special Olympics Illinois Fund, a special fund created in the State treasury. Notwithstanding any other provision of law, on July 1, 2027 or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Special Olympics Illinois Fund into the Special Olympics Illinois and Special Children's Charities Fund. Upon completion of the transfers, the Special Olympics Illinois Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund shall pass to the Special Olympics Illinois and Special Children's Charities Fund. This Section is repealed on January 1, 2028.

(Source: P.A. 95-523, eff. 6-1-08; 95-876, eff. 8-21-08.)

1 Section 5-50. The Department of Professional Regulation
2 Law of the Civil Administrative Code of Illinois is amended by
3 changing Section 2105-15 and by adding Section 2105-15.2 as
4 follows:

5 (20 ILCS 2105/2105-15)

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

7 (a) The Department has, subject to the provisions of the
8 Civil Administrative Code of Illinois, the following powers
9 and duties:

10 (1) To authorize examinations in English to ascertain
11 the qualifications and fitness of applicants to exercise
12 the profession, trade, or occupation for which the
13 examination is held.

14 (2) To prescribe rules and regulations for a fair and
15 wholly impartial method of examination of candidates to
16 exercise the respective professions, trades, or
17 occupations.

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

21 (4) To prescribe rules and regulations defining, for
22 the respective professions, trades, and occupations, what
23 shall constitute a school, college, or university, or
24 department of a university, or other institution,

1 reputable and in good standing, and to determine the
2 reputability and good standing of a school, college, or
3 university, or department of a university, or other
4 institution, reputable and in good standing, by reference
5 to a compliance with those rules and regulations;
6 provided, that no school, college, or university, or
7 department of a university, or other institution that
8 refuses admittance to applicants solely on account of
9 race, color, creed, sex, sexual orientation, or national
10 origin shall be considered reputable and in good standing.

11 (5) To conduct hearings on proceedings to revoke,
12 suspend, refuse to renew, place on probationary status, or
13 take other disciplinary action as authorized in any
14 licensing Act administered by the Department with regard
15 to licenses, certificates, or authorities of persons
16 exercising the respective professions, trades, or
17 occupations and to revoke, suspend, refuse to renew, place
18 on probationary status, or take other disciplinary action
19 as authorized in any licensing Act administered by the
20 Department with regard to those licenses, certificates, or
21 authorities.

22 The Department shall issue a monthly disciplinary
23 report.

24 The Department shall refuse to issue or renew a
25 license to, or shall suspend or revoke a license of, any
26 person who, after receiving notice, fails to comply with a

1 subpoena or warrant relating to a paternity or child
2 support proceeding. However, the Department may issue a
3 license or renewal upon compliance with the subpoena or
4 warrant.

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

1 (6) To transfer jurisdiction of any realty under the
2 control of the Department to any other department of the
3 State Government or to acquire or accept federal lands
4 when the transfer, acquisition, or acceptance is
5 advantageous to the State and is approved in writing by
6 the Governor.

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

9 (8) To exchange with the Department of Healthcare and
10 Family Services information that may be necessary for the
11 enforcement of child support orders entered pursuant to
12 the Illinois Public Aid Code, the Illinois Marriage and
13 Dissolution of Marriage Act, the Non-Support of Spouse and
14 Children Act, the Non-Support Punishment Act, the Revised
15 Uniform Reciprocal Enforcement of Support Act, the Uniform
16 Interstate Family Support Act, the Illinois Parentage Act
17 of 1984, or the Illinois Parentage Act of 2015.
18 Notwithstanding any provisions in this Code to the
19 contrary, the Department of Financial and Professional
20 Regulation shall not be liable under any federal or State
21 law to any person for any disclosure of information to the
22 Department of Healthcare and Family Services (formerly
23 Illinois Department of Public Aid) under this paragraph
24 (8) or for any other action taken in good faith to comply
25 with the requirements of this paragraph (8).

26 (8.3) To exchange information with the Department of

1 Human Rights regarding recommendations received under
2 paragraph (B) of Section 8-109 of the Illinois Human
3 Rights Act regarding a licensee or candidate for licensure
4 who has committed a civil rights violation that may lead
5 to the refusal, suspension, or revocation of a license
6 from the Department.

7 (8.5) To accept continuing education credit for
8 mandated reporter training on how to recognize and report
9 child abuse offered by the Department of Children and
10 Family Services and completed by any person who holds a
11 professional license issued by the Department and who is a
12 mandated reporter under the Abused and Neglected Child
13 Reporting Act. The Department shall adopt any rules
14 necessary to implement this paragraph.

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

16 (a-5) Except in cases involving delinquency in complying
17 with a child support order or violation of the Non-Support
18 Punishment Act and notwithstanding anything that may appear in
19 any individual licensing Act or administrative rule, no person
20 or entity whose license, certificate, or authority has been
21 revoked as authorized in any licensing Act administered by the
22 Department may apply for restoration of that license,
23 certification, or authority until 3 years after the effective
24 date of the revocation.

25 (b) (Blank).

26 (c) For the purpose of securing and preparing evidence,

1 and for the purchase of controlled substances, professional
2 services, and equipment necessary for enforcement activities,
3 recoupment of investigative costs, and other activities
4 directed at suppressing the misuse and abuse of controlled
5 substances, including those activities set forth in Sections
6 504 and 508 of the Illinois Controlled Substances Act, the
7 Director and agents appointed and authorized by the Director
8 may expend sums from the General Professions Dedicated
9 ~~Professional Regulation Evidence~~ Fund that the Director deems
10 necessary ~~from the amounts appropriated~~ for that purpose.
11 Those sums may be advanced to the agent when the Director deems
12 that procedure to be in the public interest. Sums for the
13 purchase of controlled substances, professional services, and
14 equipment necessary for enforcement activities and other
15 activities as set forth in this Section shall be advanced to
16 the agent who is to make the purchase from the General
17 Professions Dedicated ~~Professional Regulation Evidence~~ Fund on
18 vouchers signed by the Director. The Director and those agents
19 are authorized to maintain one or more commercial checking
20 accounts with any State banking corporation or corporations
21 organized under or subject to the Illinois Banking Act for the
22 deposit and withdrawal of moneys to be used for the purposes
23 set forth in this Section; provided, that no check may be
24 written nor any withdrawal made from any such account except
25 upon the written signatures of 2 persons designated by the
26 Director to write those checks and make those withdrawals.

1 Vouchers for those expenditures must be signed by the
2 Director. All such expenditures shall be audited by the
3 Director, and the audit shall be submitted to the Department
4 of Central Management Services for approval.

5 (d) Whenever the Department is authorized or required by
6 law to consider some aspect of criminal history record
7 information for the purpose of carrying out its statutory
8 powers and responsibilities, then, upon request and payment of
9 fees in conformance with the requirements of Section 2605-400
10 of the Illinois State Police Law, the Illinois State Police is
11 authorized to furnish, pursuant to positive identification,
12 the information contained in State files that is necessary to
13 fulfill the request.

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

17 (f) (Blank).

18 (f-5) Notwithstanding anything that may appear in any
19 individual licensing statute or administrative rule, the
20 Department shall allow an applicant to provide his or her
21 individual taxpayer identification number as an alternative to
22 providing a social security number when applying for a
23 license.

24 (g) Notwithstanding anything that may appear in any
25 individual licensing statute or administrative rule, the
26 Department shall deny any license application or renewal

1 authorized under any licensing Act administered by the
2 Department to any person who has failed to file a return, or to
3 pay the tax, penalty, or interest shown in a filed return, or
4 to pay any final assessment of tax, penalty, or interest, as
5 required by any tax Act administered by the Illinois
6 Department of Revenue, until such time as the requirement of
7 any such tax Act are satisfied; however, the Department may
8 issue a license or renewal if the person has established a
9 satisfactory repayment record as determined by the Illinois
10 Department of Revenue. For the purpose of this Section,
11 "satisfactory repayment record" shall be defined by rule.

12 In addition, a complaint filed with the Department by the
13 Illinois Department of Revenue that includes a certification,
14 signed by its Director or designee, attesting to the amount of
15 the unpaid tax liability or the years for which a return was
16 not filed, or both, is prima facie evidence of the licensee's
17 failure to comply with the tax laws administered by the
18 Illinois Department of Revenue. Upon receipt of that
19 certification, the Department shall, without a hearing,
20 immediately suspend all licenses held by the licensee.
21 Enforcement of the Department's order shall be stayed for 60
22 days. The Department shall provide notice of the suspension to
23 the licensee by mailing a copy of the Department's order to the
24 licensee's address of record or emailing a copy of the order to
25 the licensee's email address of record. The notice shall
26 advise the licensee that the suspension shall be effective 60

1 days after the issuance of the Department's order unless the
2 Department receives, from the licensee, a request for a
3 hearing before the Department to dispute the matters contained
4 in the order.

5 Any suspension imposed under this subsection (g) shall be
6 terminated by the Department upon notification from the
7 Illinois Department of Revenue that the licensee is in
8 compliance with all tax laws administered by the Illinois
9 Department of Revenue.

10 The Department may promulgate rules for the administration
11 of this subsection (g).

12 (g-5) Notwithstanding anything that may appear in any
13 individual licensing statute or administrative rule, the
14 Department shall refuse the issuance or renewal of a license
15 to, or suspend or revoke the license of, any individual,
16 corporation, partnership, or other business entity that has
17 been found by the Illinois Workers' Compensation Commission or
18 the Department of Insurance to have failed to (i) secure
19 workers' compensation obligations in the manner required by
20 subsections (a) and (b) of Section 4 of the Workers'
21 Compensation Act, (ii) pay in full a fine or penalty imposed
22 due to a failure to secure workers' compensation obligations
23 in the manner required by subsections (a) and (b) of Section 4
24 of the Workers' Compensation Act, or (iii) fulfill all
25 obligations assumed pursuant to a settlement reached with the
26 Illinois Workers' Compensation Commission or the Department of

1 Insurance relating to a failure to secure workers'
2 compensation obligations in the manner required by subsections
3 (a) and (b) of Section 4 of the Workers' Compensation Act. No
4 initial or renewal license shall be issued, and no suspended
5 license shall be reinstated, until such time that the
6 Department is notified by the Illinois Workers' Compensation
7 Commission or the Department of Insurance that the licensee's
8 or applicant's failure to comply with subsections (a) and (b)
9 of Section 4 of the Workers' Compensation Act has been
10 corrected or otherwise resolved to satisfaction of the
11 Illinois Workers' Compensation Commission or the Department of
12 Insurance.

13 In addition, a complaint filed with the Department by the
14 Illinois Workers' Compensation Commission or the Department of
15 Insurance that includes a certification, signed by its
16 Director or Chairman, or the Director or Chairman's designee,
17 attesting to a finding of the failure to secure workers'
18 compensation obligations in the manner required by subsections
19 (a) and (b) of Section 4 of the Workers' Compensation Act or
20 the failure to pay any fines or penalties or to discharge any
21 obligation under a settlement relating to the failure to
22 secure workers' compensation obligations in the manner
23 required by subsections (a) and (b) of Section 4 of the
24 Workers' Compensation Act is prima facie evidence of the
25 licensee's or applicant's failure to comply with subsections
26 (a) and (b) of Section 4 of the Workers' Compensation Act. Upon

1 receipt of that certification, the Department shall, without a
2 hearing, immediately suspend all licenses held by the licensee
3 or the processing of any application from the applicant.
4 Enforcement of the Department's order shall be stayed for 60
5 days. The Department shall provide notice of the suspension to
6 the licensee by mailing a copy of the Department's order to the
7 licensee's address of record or emailing a copy of the order to
8 the licensee's email address of record. The notice shall
9 advise the licensee that the suspension shall be effective 60
10 days after the issuance of the Department's order unless the
11 Department receives from the licensee or applicant a request
12 for a hearing before the Department to dispute the matters
13 contained in the order.

14 Any suspension imposed under this subsection shall be
15 terminated by the Department upon notification from the
16 Illinois Workers' Compensation Commission or the Department of
17 Insurance that the licensee's or applicant's failure to comply
18 with subsections (a) and (b) of Section 4 of the Workers'
19 Compensation Act has been corrected or otherwise resolved to
20 the satisfaction of the Illinois Workers' Compensation
21 Commission or the Department of Insurance.

22 No license shall be suspended or revoked until after the
23 licensee is afforded any due process protection guaranteed by
24 statute or rule adopted by the Illinois Workers' Compensation
25 Commission or the Department of Insurance.

26 The Department may adopt rules for the administration of

1 this subsection.

2 (h) The Department may grant the title "Retired", to be
3 used immediately adjacent to the title of a profession
4 regulated by the Department, to eligible retirees. For
5 individuals licensed under the Medical Practice Act of 1987,
6 the title "Retired" may be used in the profile required by the
7 Patients' Right to Know Act. The use of the title "Retired"
8 shall not constitute representation of current licensure,
9 registration, or certification. Any person without an active
10 license, registration, or certificate in a profession that
11 requires licensure, registration, or certification shall not
12 be permitted to practice that profession.

13 (i) The Department shall make available on its website
14 general information explaining how the Department utilizes
15 criminal history information in making licensure application
16 decisions, including a list of enumerated offenses that serve
17 as a statutory bar to licensure.

18 (Source: P.A. 102-538, eff. 8-20-21; 103-26, eff. 1-1-24;
19 103-605, eff. 7-1-24.)

20 (20 ILCS 2105/2105-15.2 new)

21 Sec. 2105-15.2. Professional Regulation Evidence Fund;
22 dissolution. On July 1, 2026 or as soon thereafter as
23 practical, the State Comptroller shall direct and the State
24 Treasurer shall transfer the remaining balance from the
25 Professional Regulation Evidence Fund into the General

1 Professions Dedicated Fund. Upon completion of the transfer,
2 the Professional Regulation Evidence Fund is dissolved, and
3 any future deposits due to that Fund and any outstanding
4 obligations or liabilities of that Fund shall pass to the
5 General Professions Dedicated Fund. This Section is repealed
6 on January 1, 2027.

7 Section 5-60. The State Finance Act is amended by changing
8 Sections 5.02, 5.212, 5.229, 5.361, 5.488, 5.546, 5.629,
9 5.632, 5.674, 5.739, 5.757, 5.913, 6m, 6z-39, 6z-131, 8.14-1,
10 and 8.30 as follows:

11 (30 ILCS 105/5.02) (from Ch. 127, par. 141.02)

12 Sec. 5.02. The Air Transportation Revolving Fund. This
13 Section is repealed on January 1, 2028.

14 (Source: Laws 1919, p. 946.)

15 (30 ILCS 105/5.212) (from Ch. 127, par. 141.212)

16 Sec. 5.212. The Professional Regulation Evidence Fund.
17 This Section is repealed on January 1, 2027.

18 (Source: P.A. 85-4.)

19 (30 ILCS 105/5.229) (from Ch. 127, par. 141.229)

20 Sec. 5.229. The Fish and Wildlife Endowment Fund. This
21 Section is repealed on January 1, 2027.

22 (Source: P.A. 85-1209.)

1 (30 ILCS 105/5.361)

2 Sec. 5.361. The Special Olympics Illinois Fund. This
3 Section is repealed on January 1, 2028.

4 (Source: Repealed by P.A. 95-331, eff. 8-21-07. Reenacted and
5 changed by P.A. 95-523, eff. 6-1-08.)

6 (30 ILCS 105/5.488)

7 Sec. 5.488. The Port Development Revolving Loan Fund. This
8 Section is repealed on January 1, 2027.

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

10 (30 ILCS 105/5.546)

11 Sec. 5.546. The Digital Divide Elimination Infrastructure
12 Fund. This Section is repealed on January 1, 2027.

13 (Source: P.A. 92-22, eff. 6-30-01; 92-651, eff. 7-11-02.)

14 (30 ILCS 105/5.629)

15 Sec. 5.629. The Accessible Electronic Information Service
16 Fund. This Section is repealed on January 1, 2027.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 (30 ILCS 105/5.632)

19 Sec. 5.632. The Safe Bottled Water Fund. This Section is
20 repealed on January 1, 2028.

21 (Source: P.A. 95-331, eff. 8-21-07.)

1 (30 ILCS 105/5.674)

2 Sec. 5.674. The Gaining Early Awareness and Readiness for
3 Undergraduate Programs Fund. This Section is repealed on
4 January 1, 2027.

5 (Source: P.A. 94-1043, eff. 7-24-06; 95-331, eff. 8-21-07.)

6 (30 ILCS 105/5.739)

7 Sec. 5.739. The Roadside Memorial Fund. This Section is
8 repealed on January 1, 2027.

9 (Source: P.A. 96-667, eff. 8-25-09; 96-1000, eff. 7-2-10.)

10 (30 ILCS 105/5.757)

11 Sec. 5.757. The Employment of Illinois Workers on Public
12 Works Projects Fund. This Section is repealed on January 1,
13 2027.

14 (Source: P.A. 96-929, eff. 6-16-10; 97-333, eff. 8-12-11.)

15 (30 ILCS 105/5.913)

16 Sec. 5.913. The School STEAM Grant Program Fund. This
17 Section is repealed on January 1, 2027.

18 (Source: P.A. 101-561, eff. 8-23-19; 102-558, eff. 8-20-21.)

19 (30 ILCS 105/6m) (from Ch. 127, par. 142m)

20 Sec. 6m. All fees and other moneys received by the
21 Department of Transportation from any officer, department or

1 agency of the State for providing air transportation to or for
2 such officer, department or agency shall be paid (i) through
3 June 30, 2027 into the Air Transportation Revolving Fund and
4 (ii) beginning July 1, 2027 into the Aeronautics Fund. The
5 moneys in the Air Transportation Revolving Fund ~~this fund~~
6 shall be used by the Department of Transportation only for
7 equipment, personnel, operational expenses and such other
8 expenses as may be incidental to providing air transportation
9 for officers, departments or agencies of the State Government.
10 On July 1, 2027 or as soon thereafter as practical, the State
11 Comptroller shall direct and the State Treasurer shall
12 transfer the remaining balance from the Air Transportation
13 Revolving Fund into the Aeronautics Fund. Upon completion of
14 the transfer, the Air Transportation Revolving Fund is
15 dissolved, and any future deposits due to that Fund and any
16 outstanding obligations or liabilities of that Fund shall pass
17 to the Aeronautics Fund.

18 (Source: P.A. 81-840.)

19 (30 ILCS 105/6z-39)

20 Sec. 6z-39. Federal Financing Cost Reimbursement Fund. The
21 Governor's Office of Management and Budget shall be the State
22 coordinator and representative with the United States
23 Department of the Treasury for purposes of implementing the
24 federal Cash Management Improvement Act of 1990.

25 The Governor's Office of Management and Budget shall:

1 negotiate Treasury-State agreements; develop and file annual
2 reports; establish the net State liability; determine State
3 agency shares of the net State liability; direct State
4 agencies to pay or transfer moneys into the Federal Financing
5 Cost Reimbursement Fund, a State trust fund in the State
6 treasury; and initiate payments of the net State liability to
7 the U.S. Treasury out of the Federal Financing Cost
8 Reimbursement Fund. Agencies shall make payments or transfers
9 to the Federal Financing Cost Reimbursement Fund as directed
10 by the Governor's Office of Management and Budget and shall
11 otherwise cooperate with the Governor's Office of Management
12 and Budget to implement the federal Cash Management
13 Improvement Act of 1990.

14 (Source: P.A. 94-793, eff. 5-19-06.)

15 (30 ILCS 105/6z-131)

16 Sec. 6z-131. Agriculture Federal Projects Fund. The
17 Agriculture Federal Projects Fund is established as a federal
18 trust fund in the State treasury. This Fund is established to
19 receive funds from all federal departments and agencies,
20 including grants and awards. In addition, the Fund may also
21 receive interagency receipts from other State agencies and
22 funds from other public and private sources. Moneys in the
23 Agriculture Federal Projects Fund shall be held by the State
24 Treasurer as ex officio custodian and shall be used for the
25 specific purposes established by the terms and conditions of

1 the federal grant or award and for other authorized expenses
2 in accordance with federal requirements. Other moneys
3 deposited into the Fund may be used for purposes associated
4 with the federally financed projects. Notwithstanding any
5 other provision of law, on July 1, 2026 or as soon thereafter
6 as practical, the State Comptroller shall direct and the State
7 Treasurer shall transfer the remaining balance from the
8 Federal Agricultural Marketing Services Fund into the
9 Agriculture Federal Projects Fund. Upon completion of the
10 transfer, the Federal Agricultural Marketing Services Fund is
11 dissolved, and any future deposits due to that Fund and any
12 outstanding obligations or liabilities of that Fund shall pass
13 to the Agriculture Federal Projects Fund.

14 (Source: P.A. 102-699, eff. 4-19-22; 103-154, eff. 6-30-23.)

15 (30 ILCS 105/8.14-1) (from Ch. 127, par. 144.14-1)

16 Sec. 8.14-1. Appropriations for equipment, personnel,
17 operational expenses and such other expenses incident to
18 providing air transportation for officers, departments or
19 agencies of the State government may be payable from the Air
20 Transportation Revolving Fund or, beginning in State fiscal
21 year 2028, the Aeronautics Fund.

22 (Source: Laws 1968, p. 474.)

23 (30 ILCS 105/8.30) (from Ch. 127, par. 144.30)

24 Sec. 8.30. All moneys received from the issuance of

1 Lifetime Hunting, Fishing or Sportsmen's Combination Licenses
2 under Section 20-45 of the Fish and Aquatic Life Code shall be
3 deposited into the Fish and Wildlife Endowment Fund. All
4 interest earned and accrued from moneys ~~monies~~ deposited into
5 ~~in~~ the Fish and Wildlife Endowment Fund shall be deposited
6 monthly by the State Treasurer in the Fish and Wildlife
7 Endowment Fund. The Treasurer upon request of the Director of
8 the Department of Natural Resources from time to time may
9 transfer amounts from the Fish and Wildlife Endowment Fund to
10 the Wildlife and Fish Fund, but the annual transfers shall not
11 exceed the annual interest accrued to the Fish and Wildlife
12 Endowment Fund.

13 Notwithstanding any other provision of law, in addition to
14 any other transfers that may be provided by law, on July 1,
15 2026 or as soon thereafter as practical, the State Comptroller
16 shall direct and the State Treasurer shall transfer the
17 remaining balance from the Fish and Wildlife Endowment Fund
18 into the Wildlife and Fish Fund. Upon completion of the
19 transfer, the Fish and Wildlife Endowment Fund is dissolved,
20 and any future deposits due to that Fund and any outstanding
21 obligations or liabilities of that Fund pass to the Wildlife
22 and Fish Fund.

23 This Section is repealed on January 1, 2027.

24 (Source: P.A. 89-445, eff. 2-7-96.)

(30 ILCS 105/5.700 rep.)

(30 ILCS 105/5.704 rep.)

(30 ILCS 105/5.774 rep.)

(30 ILCS 105/5.829 rep.)

(30 ILCS 105/5.959 rep.)

(30 ILCS 105/5.992 rep.)

(30 ILCS 105/5.997 rep.)

(30 ILCS 105/5.1010 rep.)

(30 ILCS 105/5.1030 rep.)

(30 ILCS 105/6b-4 rep.)

(30 ILCS 105/6z-136 rep.)

(30 ILCS 105/6z-137 rep.)

Section 5-65. The State Finance Act is amended by repealing Sections 5.408, 5.700, 5.704, 5.774, 5.829, 5.959, 5.992, 5.997, 5.1010, 5.1030 as added by Public Act 104-259, 6b-4, 6z-136, and 6z-137.

Section 5-70. The Employment of Illinois Workers on Public Works Act is amended by changing Section 7.10 as follows:

(30 ILCS 570/7.10)

Sec. 7.10. Disposition of proceeds ~~Employment of Illinois Workers on Public Works Projects Fund~~. All moneys received by the Department as civil penalties under this Act shall be deposited into the Employee Classification Fund ~~Employment of Illinois Workers on Public Works Projects Fund~~ and shall be

1 ~~used, subject to appropriation by the General Assembly, by the~~
2 ~~Department for administration, investigation, and other~~
3 ~~expenses incurred in carrying out its powers and duties under~~
4 ~~this Act.~~ The Department shall hire as many investigators and
5 other personnel as may be necessary to carry out the purposes
6 of this Act. Notwithstanding any other provision of law, in
7 addition to any other transfers that may be provided by law, on
8 July 1, 2026 or as soon thereafter as practical, the State
9 Comptroller shall direct and the State Treasurer shall
10 transfer the remaining balance from the Employment of Illinois
11 Workers on Public Works Projects Fund into the Employee
12 Classification Fund. Upon completion of the transfer, the
13 Employment of Illinois Workers on Public Works Projects Fund
14 is dissolved, and any future deposits due to that Fund and any
15 outstanding obligations or liabilities of that Fund pass to
16 the Employee Classification Fund ~~Any moneys in the Fund at the~~
17 ~~end of a fiscal year in excess of those moneys necessary for~~
18 ~~the Department to carry out its powers and duties under this~~
19 ~~Act shall be available for appropriation to the Department for~~
20 ~~the next fiscal year for any of the Department's duties.~~

21 (Source: P.A. 96-929, eff. 6-16-10.)

22 Section 5-75. The Build Illinois Act is amended by
23 changing Section 9-11 as follows:

24 (30 ILCS 750/9-11)

1 Sec. 9-11. Port Development Revolving Loan Program.

2 (1) There is created in the State treasury ~~Treasury~~ the
3 Port Development Revolving Loan Fund, referred to in this
4 Section as the Fund. Moneys in the Fund may be appropriated for
5 the purposes of the Port Development Revolving Loan Program
6 created by this Section to be administered by the Department
7 of Commerce and Economic Opportunity in order to facilitate
8 and enhance the utilization of Illinois' navigable waterways
9 or the development of inland intermodal freight facilities or
10 both. The Department may adopt rules for the administration of
11 the Program.

12 The General Assembly may make appropriations for the
13 purposes of the Program. Repayment of loans made to individual
14 port districts shall be paid back into the Fund to establish an
15 ongoing revolving loan fund to facilitate continuing port
16 development activities in the State.

17 (2) Loan funds from the Program shall be made available to
18 Illinois port districts on a competitive basis. In order to
19 obtain assistance under the Program, a port district must
20 submit a comprehensive application to the Department for
21 consideration.

22 Projects eligible for funding under the Program must be
23 intermodal facilities and within the scope of powers and
24 responsibilities as granted in each port district's enabling
25 legislation. Loan funds shall not be used for working capital
26 or administrative purposes by the port district.

1 (3) The maximum amount which may be loaned from the
2 Program to fund any one project is \$3,000,000. Program funds
3 may be used for up to 50% of an individual project financing.
4 The balance of financing for an individual project must be
5 secured by the respective district.

6 The maximum loan term shall be for 20 years with an
7 interest rate of 5% per annum. Principal and interest payments
8 shall be made on a semi-annual basis.

9 (4) In order to receive a loan from the Program, a port
10 district must:

11 (a) demonstrate that the proposed project shall
12 generate sufficient revenue to support amortization of the
13 loan and be willing to pledge revenues from the project to
14 loan repayment or

15 (b) demonstrate that the port district can financially
16 support debt service payments through general revenue
17 sources of the port district and pledge the full faith and
18 credit of the port district to loan repayment.

19 In order to achieve the requirement of paragraph (a) of
20 this subsection (4), the port district may use guarantees
21 provided under facility operating agreements or guaranteed
22 facility use agreements from private concerns to demonstrate
23 loan repayment ability.

24 Certain infrastructure facilities developed under the
25 Program may be general use public facilities where there is
26 not a definitive and guaranteed revenue stream to support the

1 project, nevertheless the facilities are important to
2 facilitate overall long term port development objectives. In
3 such cases, the full faith and credit of the port district may
4 be used as loan collateral.

5 (5) A loan agreement shall be executed between the port
6 district and the State stipulating all of the terms and
7 conditions of the loan. The Department shall release funds on
8 a reimbursement basis for eligible costs of the project as
9 incurred. The port district shall certify to the Department
10 that expenses incurred during construction are in accordance
11 with plans and specifications as approved by the Department.
12 Funds may be drawn once per month during construction of the
13 project.

14 (6) The loan agreement shall contain customary and usual
15 loan default provisions in the event the port district fails
16 to make the required payments. The loan agreement shall
17 stipulate the State's recourse in curing any default.

18 In the event a port district becomes delinquent in
19 payments to the State, that port district shall not be
20 eligible for any future loans until the delinquency is
21 remedied.

22 (7) Individual port district project applications shall
23 include the following:

24 (a) Statement of purpose. A description of the project
25 shall be submitted along with the project's anticipated
26 overall effect on meeting port district objectives.

1 (b) Project impact. The anticipated net effects of the
2 project shall be enumerated. These impacts may include the
3 economic impact to the State, employment impact,
4 intermodal freight impacts, and environmental impacts.

5 (c) Cost estimates and preliminary project layout. The
6 overall project development cost estimate and general site
7 and or facility drawings.

8 (d) Proposed loan amount. A statement as to the amount
9 proposed from the Program and the port district's
10 intentions as to the source of other financing for the
11 project.

12 (e) Business Pro Forma ~~Proforma~~. A detailed business
13 pro forma ~~proforma~~ must be supplied which estimates
14 facility/project revenues as well as operating costs and
15 debt service.

16 (f) Loan collateral and guarantees. The port
17 district's intentions as to how it intends to
18 collateralize the loan amount, including third party
19 guarantees, pledging of project and facility revenue, or
20 pledging general revenues of the district.

21 (8) The Department shall annually invite Illinois port
22 districts to submit projects for consideration under the
23 Program. The Department shall perform a cost/benefit analysis
24 of each project to determine if a project meets minimum
25 requirements for eligibility. Those applications which meet
26 minimum criteria shall then be ranked by the overall net

1 positive impact on the State.

2 (a) Minimum criteria shall include:

3 (i) positive cost/benefit ratio;

4 (ii) demonstrated economic feasibility of the
5 project; and

6 (iii) the ability of the port district to repay
7 the loan.

8 (b) Ranking criteria may include:

9 (i) a cost/benefit ratio of project in relation to
10 other projects;

11 (ii) product tonnage to be handled;

12 (iii) product value to be handled;

13 (iv) soundness of business proposition;

14 (v) positive intermodal impacts of Illinois
15 transportation system;

16 (vi) meets overall State transportation
17 objectives;

18 (vii) economic impact to the State; or

19 (viii) environmental benefits of the project.

20 Projects shall be selected according to their ranking up
21 to the limit of available funds. Selected projects shall be
22 invited to submit detailed plans, specifications, operating
23 agreements, environmental clearances, evidence of property
24 title, and other documentation as necessitated by the project.
25 When the Department determines all necessary requirements are
26 met and the remainder of the project financing is available, a

1 loan agreement shall be executed and project development may
2 commence.

3 (9) On July 1, 2026 or as soon thereafter as practical, the
4 State Comptroller shall direct and the State Treasurer shall
5 transfer the remaining balance from the Port Development
6 Revolving Loan Fund into the Build Illinois Bond Retirement
7 and Interest Fund. Upon completion of the transfer, the Port
8 Development Revolving Loan Fund is dissolved, and any future
9 deposits due to that Fund and any outstanding obligations or
10 liabilities of that Fund pass to the Build Illinois Bond
11 Retirement and Interest Fund.

12 (10) This Section is repealed on January 1, 2027.

13 (Source: P.A. 94-793, eff. 5-19-06.)

14 (35 ILCS 717/Act rep.)

15 Section 5-80. The Reciprocal Tax Collection Act is
16 repealed.

17 Section 5-85. The Governmental Account Audit Act is
18 amended by changing Section 4.5 as follows:

19 (50 ILCS 310/4.5)

20 Sec. 4.5. Comptroller's Audit Expense Revolving Fund.
21 There is created the Comptroller's Audit Expense Revolving
22 Fund as a special fund to be held by the State Treasurer, ex
23 officio, as custodian, but separate and apart from the funds

1 in the State treasury. The following moneys shall be deposited
2 into that Fund:

3 (1) All moneys received by the Comptroller for
4 reimbursement of the Comptroller's cost of performing
5 audits and preparing or completing reports under Section 4
6 of this Act, Section 6-31004 of the Counties Code, or
7 Section 8-8-4 of the Illinois Municipal Code.

8 (2) All moneys appropriated to that Fund by the
9 General Assembly.

10 Expenditures from the Fund shall be made on vouchers
11 signed by the Comptroller, for the sole purpose of paying the
12 Comptroller's cost of performing audits and preparing or
13 completing reports under Section 4 of this Act, Section
14 6-31004 of the Counties Code, or Section 8-8-4 of the Illinois
15 Municipal Code.

16 The State Treasurer shall invest moneys in the Fund in the
17 same manner and subject to the same restrictions as moneys in
18 the State treasury.

19 On July 1, 2026 or as soon thereafter as practical, the
20 State Comptroller shall direct and the State Treasurer shall
21 transfer the remaining balance from the Comptroller's Audit
22 Expense Revolving Fund into the Comptroller's Administrative
23 Fund. Upon completion of the transfer, the Comptroller's Audit
24 Expense Revolving Fund is dissolved, and any future deposits
25 due to that Fund and any outstanding obligations or
26 liabilities of that Fund shall pass to the Comptroller's

1 Administrative Fund.

2 This Section is repealed on January 1, 2027.

3 (Source: P.A. 88-280.)

4 Section 5-90. The Counties Code is amended by changing
5 Section 6-31008 as follows:

6 (55 ILCS 5/6-31008) (from Ch. 34, par. 6-31008)

7 Sec. 6-31008. Expenses of audit. The expenses of
8 conducting the audit and making the required audit report or
9 financial statement for each county, whether ordered by the
10 county board or the Comptroller, shall be paid by the county
11 and the county board shall make provisions for such payment.
12 If the audit is made by an auditor or auditors retained by the
13 Comptroller, the county, through the county board, shall pay
14 to the Comptroller reasonable compensation and expenses to
15 reimburse him for the cost of making such audit. Moneys paid to
16 the Comptroller pursuant to the preceding sentence shall be
17 deposited into the Comptroller's Administrative ~~Audit Expense~~
18 ~~Revolving~~ Fund.

19 Such expenses shall be paid from the general corporate
20 fund of the county.

21 Contracts for the performance of audits required by this
22 Division may be entered into without competitive bidding.

23 (Source: P.A. 101-419, eff. 1-1-20.)

1 Section 5-95. The Illinois Municipal Code is amended by
2 changing Sections 8-8-3.5 and 8-8-4 as follows:

3 (65 ILCS 5/8-8-3.5)

4 Sec. 8-8-3.5. Tax Increment Financing Report. The reports
5 filed under subsection (d) of Section 11-74.4-5 of the Tax
6 Increment Allocation Redevelopment Act and the reports filed
7 under subsection (d) of Section 11-74.6-22 of the Industrial
8 Jobs Recovery Law in the Illinois Municipal Code must be
9 separate from any other annual report filed with the
10 Comptroller. The Comptroller must, in cooperation with
11 reporting municipalities, create a format for the reporting of
12 information described in paragraphs (1.5), (5), and (8) and in
13 subparagraph (G) of paragraph (7) of subsection (d) of Section
14 11-74.4-5 of the Tax Increment Allocation Redevelopment Act
15 and the information described in paragraphs (1.5), (5), and
16 (8) and in subparagraph (G) of paragraph (7) of subsection (d)
17 of Section 11-74.6-22 of the Industrial Jobs Recovery Law that
18 facilitates consistent reporting among the reporting
19 municipalities. The Comptroller may allow these reports to be
20 filed electronically and may display the report, or portions
21 of the report, electronically via the Internet. All reports
22 filed under this Section must be made available for
23 examination and copying by the public at all reasonable times.
24 A Tax Increment Financing Report must be filed electronically
25 with the Comptroller within 180 days after the close of the

1 municipal fiscal year or as soon thereafter as the audit for
2 the redevelopment project area for that fiscal year becomes
3 available. If the Tax Increment Finance administrator provides
4 the Comptroller's office with sufficient evidence that the
5 report is in the process of being completed by an auditor, the
6 Comptroller may grant an extension. If the required report is
7 not filed within the time extended by the Comptroller, the
8 Comptroller shall notify the corporate authorities of that
9 municipality that the audit report is past due. The
10 Comptroller may charge a municipality a fee of \$5 per day for
11 the first 15 days past due, \$10 per day for 16 through 30 days
12 past due, \$15 per day for 31 through 45 days past due, and \$20
13 per day for the 46th day and every day thereafter. These
14 amounts may be reduced at the Comptroller's discretion. In the
15 event the required audit report is not filed within 60 days of
16 such notice, the Comptroller shall cause such audit to be made
17 by an auditor or auditors. The Comptroller may decline to
18 order an audit and the preparation of an audit report if an
19 initial examination of the books and records of the
20 municipality indicates that books and records of the
21 municipality are inadequate or unavailable to support the
22 preparation of the audit report or the supplemental report due
23 to the passage of time or the occurrence of a natural disaster.
24 All fees collected pursuant to this Section shall be deposited
25 into the Comptroller's Administrative Fund. In the event the
26 Comptroller causes an audit to be made in accordance with the

1 requirements of this Section, the municipality shall pay to
2 the Comptroller reasonable compensation and expenses to
3 reimburse her for the cost of preparing or completing such
4 report. Moneys paid to the Comptroller pursuant to the
5 preceding sentence shall be deposited into the Comptroller's
6 Administrative ~~Audit Expense Revolving~~ Fund.

7 (Source: P.A. 101-419, eff. 1-1-20; 102-127, eff. 7-23-21.)

8 (65 ILCS 5/8-8-4) (from Ch. 24, par. 8-8-4)

9 Sec. 8-8-4. Overdue reports.

10 (a) In the event the required audit report for a
11 municipality is not filed with the Comptroller in accordance
12 with Section 8-8-7 within 180 days after the close of the
13 fiscal year of the municipality, the Comptroller shall notify
14 the corporate authorities of that municipality in writing that
15 the audit report is due, and may also grant an extension of
16 time of 60 days, for the filing of the audit report. In the
17 event the required audit report is not filed within the time
18 specified in such written notice, the Comptroller shall cause
19 such audit to be made by an auditor or auditors. In the event
20 the required annual or supplemental report for a municipality
21 is not filed within 6 months after the close of the fiscal year
22 of the municipality, the Comptroller shall notify the
23 corporate authorities of that municipality in writing that the
24 annual or supplemental report is due and may grant an
25 extension in time of 60 days for the filing of such annual or

1 supplemental report.

2 (b) In the event the annual or supplemental report is not
3 filed within the time extended by the Comptroller, the
4 Comptroller shall cause such annual or supplemental report to
5 be prepared or completed, and the municipality shall pay to
6 the Comptroller reasonable compensation and expenses to
7 reimburse him for the cost of preparing or completing such
8 annual or supplemental report. Moneys paid to the Comptroller
9 pursuant to the preceding sentence shall be deposited into the
10 Comptroller's Administrative ~~Audit Expense Revolving~~ Fund.

11 (c) The Comptroller may decline to order an audit or the
12 completion of the supplemental report if an initial
13 examination of the books and records of the municipality
14 indicates that books and records of the municipality are
15 inadequate or unavailable to support the preparation of the
16 audit report or the supplemental report due to the passage of
17 time or the occurrence of a natural disaster.

18 (d) The State Comptroller may grant extensions for
19 delinquent audits or reports. The Comptroller may charge a
20 municipality a fee for a delinquent audit or report of \$5 per
21 day for the first 15 days past due, \$10 per day for 16 through
22 30 days past due, \$15 per day for 31 through 45 days past due,
23 and \$20 per day for the 46th day and every day thereafter.
24 These amounts may be reduced at the Comptroller's discretion.
25 All fees collected under this subsection (d) shall be
26 deposited into the Comptroller's Administrative Fund.

1 (Source: P.A. 101-419, eff. 1-1-20.)

2 (65 ILCS 115/10-15 rep.)

3 Section 5-100. The River Edge Redevelopment Zone Act is
4 amended by repealing Section 10-15.

5 Section 5-105. The School Code is amended by changing
6 Sections 2-3.127a, 3-12, 3-15.12, 21B-40, and 22-110 as
7 follows:

8 (105 ILCS 5/2-3.127a)

9 Sec. 2-3.127a. The State Board of Education Special
10 Purpose Trust Fund. The State Board of Education Special
11 Purpose Trust Fund is created as a special fund in the State
12 treasury. The State Board of Education shall deposit all
13 indirect costs recovered from federal programs into the State
14 Board of Education Special Purpose Trust Fund. These funds may
15 be used by the State Board of Education for its ordinary and
16 contingent expenses. Additionally and unless specifically
17 directed to be deposited into other funds, all moneys received
18 by the State Board of Education from gifts, grants, royalty
19 payments, or donations from any source, public or private,
20 shall be deposited into the State Board of Education Special
21 Purpose Trust Fund. These funds shall be used, subject to
22 appropriation by the General Assembly, by the State Board of
23 Education for the purposes established by the gifts, grants,

1 royalty payments, or donations. Any royalty payments received
2 by the State Board of Education as a result of licensing
3 agreements or any other agreements entered into by the State
4 Board of Education, regardless of the original fund source,
5 shall be deposited into the State Board of Education Special
6 Purpose Trust Fund and, subject to appropriation by the
7 General Assembly, shall be expended in a manner consistent
8 with law.

9 Notwithstanding any other provision of law, in addition to
10 any other transfers that may be provided by law, on July 1,
11 2026 or as soon thereafter as practical, the State Comptroller
12 shall direct and the State Treasurer shall transfer the
13 remaining balance from the School STEAM Grant Program Fund
14 into the State Board of Education Special Purpose Trust Fund.
15 Upon completion of the transfer, the School STEAM Grant
16 Program Fund is dissolved, and any future deposits due to that
17 Fund and any outstanding obligations or liabilities of that
18 Fund pass to the State Board of Education Special Purpose
19 Trust Fund.

20 (Source: P.A. 102-792, eff. 5-13-22.)

21 (105 ILCS 5/3-12) (from Ch. 122, par. 3-12)

22 Sec. 3-12. ISBE Teacher Certificate Institute Fund
23 ~~Institute fund.~~

24 (a) All license registration fees and a portion of renewal
25 and duplicate fees shall be kept by the regional

1 superintendent as described in Section ~~21-16 or~~ 21B-40 of this
2 Code, together with a record of the names of the persons paying
3 them. Such fees shall be deposited into the ISBE Teacher
4 Certificate Institute Fund ~~institute fund~~ and shall be used by
5 the regional superintendent ~~to defray expenses associated with~~
6 ~~the work of the regional professional development review~~
7 ~~committees established pursuant to paragraph (2) of subsection~~
8 ~~(g) of Section 21-14 of this Code to advise the regional~~
9 ~~superintendent, upon his or her request, and to hear appeals~~
10 ~~relating to the renewal of teaching licenses, in accordance~~
11 ~~with Section 21-14 of this Code;~~ to defray expenses connected
12 with improving the technology necessary for the efficient
13 processing of licenses; to defray all costs associated with
14 the administration of teaching licenses; to defray expenses
15 incidental to teachers' institutes, workshops or meetings of a
16 professional nature that are designed to promote the
17 professional growth of teachers or for the purpose of
18 defraying the expense of any general or special meeting of
19 teachers or school personnel of the region, which has been
20 approved by the regional superintendent.

21 (b) In addition to the use of moneys in the ISBE Teacher
22 Certificate Institute Fund ~~institute fund~~ to defray expenses
23 under subsection (a) of this Section, the State Superintendent
24 of Education, as authorized under Section 2-3.105 of this
25 Code, shall use moneys in the ISBE Teacher Certificate
26 Institute Fund ~~institute fund~~ to defray all costs associated

1 with the administration of teaching licenses within a city
2 having a population exceeding 500,000. Moneys in the ISBE
3 Teacher Certificate Institute Fund ~~institute fund~~ may also be
4 used by the State Superintendent of Education to support
5 educator recruitment and retention programs within a city
6 having a population exceeding 500,000, to support educator
7 preparation programs within a city having a population
8 exceeding 500,000 as those programs seek national
9 accreditation, and to provide professional development aligned
10 with the requirements set forth in Section 21B-45 of this Code
11 within a city having a population exceeding 500,000. A
12 majority of the moneys in the ISBE Teacher Certificate
13 Institute Fund ~~institute fund~~ must be dedicated to the timely
14 and efficient processing of applications and for the renewal
15 of licenses.

16 (c) The regional superintendent shall on or before January
17 1 of each year post on the regional office of education's
18 website (1) the balance on hand in the ISBE Teacher
19 Certificate Institute Fund ~~institute fund~~ at the beginning of
20 the previous year; (2) all receipts within the previous year
21 deposited into ~~in~~ the fund, with the sources from which they
22 were derived; (3) the amount distributed from the fund and the
23 purposes for which such distributions were made; and (4) the
24 balance on hand in the fund.

25 (Source: P.A. 103-110, eff. 6-29-23.)

1 (105 ILCS 5/3-15.12) (from Ch. 122, par. 3-15.12)

2 Sec. 3-15.12. High school equivalency. The regional
3 superintendent of schools and the Illinois Community College
4 Board shall make available for qualified individuals residing
5 within the region a High School Equivalency Testing Program
6 and alternative methods of credentialing, as identified under
7 this Section. For that purpose the regional superintendent
8 alone or with other regional superintendents may establish and
9 supervise a testing center or centers to administer the secure
10 forms for high school equivalency testing to qualified
11 persons. Such centers shall be under the supervision of the
12 regional superintendent in whose region such centers are
13 located, subject to the approval of the Executive Director of
14 the Illinois Community College Board. The Illinois Community
15 College Board shall also establish criteria and make available
16 alternative methods of credentialing throughout the State.

17 An individual is eligible to apply to the regional
18 superintendent of schools for the region in which he or she
19 resides if he or she is: (a) a person who is 17 years of age or
20 older, has maintained residence in the State of Illinois, and
21 is not a high school graduate; (b) a person who is successfully
22 completing an alternative education program under Section
23 2-3.81, Article 13A, or Article 13B; or (c) a person who is
24 enrolled in a youth education program sponsored by the
25 Illinois National Guard. For purposes of this Section,
26 residence is that abode which the applicant considers his or

1 her home. Applicants may provide as sufficient proof of such
2 residence and as an acceptable form of identification a
3 driver's license, valid passport, military ID, or other form
4 of government-issued national or foreign identification that
5 shows the applicant's name, address, date of birth, signature,
6 and photograph or other acceptable identification as may be
7 allowed by law or as regulated by the Illinois Community
8 College Board. Such regional superintendent shall determine if
9 the applicant meets statutory and regulatory state standards.

10 If qualified, the applicant shall at the time of such
11 application pay a fee established by the Illinois Community
12 College Board, which fee shall be paid into a special fund
13 under the control and supervision of the regional
14 superintendent to be used for administration of high school
15 equivalency testing. Such moneys received by the regional
16 superintendent shall be used, first, for the expenses incurred
17 in administering and scoring the examination, and next for
18 other educational programs that are developed and designed by
19 the regional superintendent of schools to assist those who
20 successfully complete high school equivalency testing or meet
21 the criteria for alternative methods of credentialing in
22 furthering their academic development or their ability to
23 secure and retain gainful employment, including programs for
24 the competitive award based on test scores of college or adult
25 education scholarship grants or similar educational
26 incentives. Any excess moneys shall be paid into the ISBE

1 Teacher Certificate Institute Fund ~~institute fund~~.

2 Any applicant who has achieved the minimum passing
3 standards as established by the Illinois Community College
4 Board shall be notified in writing by the regional
5 superintendent and shall be issued a State of Illinois High
6 School Diploma on the forms provided by the Illinois Community
7 College Board. The regional superintendent shall then certify
8 to the Illinois Community College Board the score of the
9 applicant and such other and additional information that may
10 be required by the Illinois Community College Board. The
11 moneys received therefrom shall be used in the same manner as
12 provided for in this Section.

13 The Illinois Community College Board shall establish
14 alternative methods of credentialing for the issuance of a
15 State of Illinois High School Diploma. In addition to high
16 school equivalency testing, the following alternative methods
17 of receiving a State of Illinois High School Diploma shall be
18 made available to qualified individuals on or after January 1,
19 2018:

20 (A) High School Equivalency based on High School
21 Credit. A qualified candidate may petition to have his or
22 her high school transcripts evaluated to determine what
23 the candidate needs to meet criteria as established by the
24 Illinois Community College Board.

25 (B) High School Equivalency based on Post-Secondary
26 Credit. A qualified candidate may petition to have his or

1 her post-secondary transcripts evaluated to determine what
2 the candidate needs to meet criteria established by the
3 Illinois Community College Board.

4 (C) High School Equivalency based on a Foreign
5 Diploma. A qualified candidate may petition to have his or
6 her foreign high school or post-secondary transcripts
7 evaluated to determine what the candidate needs to meet
8 criteria established by the Illinois Community College
9 Board.

10 (D) High School Equivalency based on Completion of a
11 Competency-Based Program as approved by the Illinois
12 Community College Board. The Illinois Community College
13 Board shall establish guidelines for competency-based high
14 school equivalency programs.

15 Any applicant who has attained the age of 17 years and
16 maintained residence in the State of Illinois and is not a high
17 school graduate, any person who has enrolled in a youth
18 education program sponsored by the Illinois National Guard, or
19 any person who has successfully completed an alternative
20 education program under Section 2-3.81, Article 13A, or
21 Article 13B is eligible to apply for a State of Illinois High
22 School Diploma (if he or she meets the requirements prescribed
23 by the Illinois Community College Board) upon showing evidence
24 that he or she has completed, successfully, high school
25 equivalency testing, administered by the United States Armed
26 Forces Institute, official high school equivalency testing

1 centers established in other states, Veterans' Administration
2 Hospitals, or the office of the State Superintendent of
3 Education for the Illinois State Penitentiary System and the
4 Department of Corrections. Such applicant shall apply to the
5 regional superintendent of the region wherein he or she has
6 maintained residence, and, upon payment of a fee established
7 by the Illinois Community College Board, the regional
8 superintendent shall issue a State of Illinois High School
9 Diploma and immediately thereafter certify to the Illinois
10 Community College Board the score of the applicant and such
11 other and additional information as may be required by the
12 Illinois Community College Board.

13 Notwithstanding the provisions of this Section, any
14 applicant who has been out of school for at least one year may
15 request the regional superintendent of schools to administer
16 restricted high school equivalency testing upon written
17 request of: the director of a program who certifies to the
18 Chief Examiner of an official high school equivalency testing
19 center that the applicant has completed a program of
20 instruction provided by such agencies as the Job Corps, the
21 Postal Service Academy, or an apprenticeship training program;
22 an employer or program director for purposes of entry into
23 apprenticeship programs; another state's department of
24 education in order to meet regulations established by that
25 department of education; or a post high school educational
26 institution for purposes of admission, the Department of

1 Financial and Professional Regulation for licensing purposes,
2 or the Armed Forces for induction purposes. The regional
3 superintendent shall administer such testing, and the
4 applicant shall be notified in writing that he or she is
5 eligible to receive a State of Illinois High School Diploma
6 upon reaching age 17, provided he or she meets the standards
7 established by the Illinois Community College Board.

8 Any test administered under this Section to an applicant
9 who does not speak and understand English may at the
10 discretion of the administering agency be given and answered
11 in any language in which the test is printed. The regional
12 superintendent of schools may waive any fees required by this
13 Section in case of hardship. The regional superintendent of
14 schools and the Illinois Community College Board shall waive
15 any fees required by this Section for an applicant who meets
16 all of the following criteria:

17 (1) The applicant qualifies as a homeless person,
18 child, or youth as defined in the Education for Homeless
19 Children Act.

20 (2) The applicant has not attained 25 years of age as
21 of the date of the scheduled test.

22 (3) The applicant can verify his or her status as a
23 homeless person, child, or youth. A homeless services
24 provider that is qualified to verify an individual's
25 housing status, as determined by the Illinois Community
26 College Board, and that has knowledge of the applicant's

1 housing status may verify the applicant's status for
2 purposes of this subdivision (3).

3 (4) The applicant has completed a high school
4 equivalency preparation course through an Illinois
5 Community College Board-approved provider.

6 (5) The applicant is taking the test at a testing
7 center operated by a regional superintendent of schools or
8 the Cook County High School Equivalency Office.

9 In counties of over 3,000,000 population, a State of
10 Illinois High School Diploma shall contain the signatures of
11 the Executive Director of the Illinois Community College Board
12 and the superintendent, president, or other chief executive
13 officer of the institution where high school equivalency
14 testing instruction occurred and any other signatures
15 authorized by the Illinois Community College Board.

16 The regional superintendent of schools shall furnish the
17 Illinois Community College Board with any information that the
18 Illinois Community College Board requests with regard to
19 testing and diplomas under this Section.

20 A State of Illinois High School Diploma is a recognized
21 high school equivalency certificate for purposes of
22 reciprocity with other states. A high school equivalency
23 certificate from another state is equivalent to a State of
24 Illinois High School Diploma.

25 (Source: P.A. 102-1100, eff. 1-1-23; 103-940, eff. 8-9-24.)

1 (105 ILCS 5/21B-40)

2 Sec. 21B-40. Fees.

3 (a) Beginning with the start of the new licensure system
4 established pursuant to this Article, the following fees shall
5 be charged to applicants:

6 (1) A \$100 application fee for a Professional Educator
7 License or an Educator License with Stipulations.

8 (1.5) A \$50 application fee for a Substitute Teaching
9 License. If the application for a Substitute Teaching
10 License is made and granted after July 1, 2017, the
11 licensee may apply for a refund of the application fee
12 within 18 months of issuance of the new license and shall
13 be issued that refund by the State Board of Education if
14 the licensee provides evidence to the State Board of
15 Education that the licensee has taught pursuant to the
16 Substitute Teaching License at least 10 full school days
17 within one year of issuance.

18 (1.7) A \$25 application fee for a Short-Term
19 Substitute Teaching License. The Short-Term Substitute
20 Teaching License must be registered in at least one region
21 in this State, but does not require a registration fee.
22 The licensee may apply for a refund of the application fee
23 within 18 months of issuance of the new license and shall
24 be issued that refund by the State Board of Education if
25 the licensee provides evidence to the State Board of
26 Education that the licensee has taught pursuant to the

1 Short-Term Substitute Teaching License at least 10 full
2 school days within one year of issuance. The application
3 fee for a Short-Term Substitute Teaching License shall be
4 waived when the Governor has declared a disaster due to a
5 public health emergency pursuant to Section 7 of the
6 Illinois Emergency Management Agency Act.

7 (2) A \$150 application fee for individuals who have
8 not been entitled by an Illinois-approved educator
9 preparation program at an Illinois institution of higher
10 education and are seeking any of the licenses set forth in
11 subdivision (1) of this subsection (a).

12 (3) A \$50 application fee for each endorsement or
13 approval.

14 (4) A \$10 per year registration fee for the course of
15 the validity cycle to register the license, which shall be
16 paid to the regional office of education having
17 supervision and control over the school in which the
18 individual holding the license is to be employed. If the
19 individual holding the license is not yet employed, then
20 the license may be registered in any county in this State.
21 The registration fee must be paid in its entirety the
22 first time the individual registers the license for a
23 particular validity period in a single region. No
24 additional fee may be charged for that validity period
25 should the individual subsequently register the license in
26 additional regions. An individual must register the

1 license (i) immediately after initial issuance of the
2 license and (ii) at the beginning of each renewal cycle if
3 the individual has satisfied the renewal requirements
4 required under this Code.

5 Beginning on July 1, 2017, at the beginning of each
6 renewal cycle, individuals who hold a Substitute Teaching
7 License may apply for a reimbursement of the registration
8 fee within 18 months of renewal and shall be issued that
9 reimbursement by the State Board of Education from funds
10 appropriated for that purpose if the licensee provides
11 evidence to the State Board of Education that the licensee
12 has taught pursuant to the Substitute Teaching License at
13 least 10 full school days within one year of renewal.

14 (5) The license renewal fee for an Educator License
15 with Stipulations with a paraprofessional educator
16 endorsement is \$25.

17 (b) All application fees paid pursuant to subdivisions (1)
18 through (3) of subsection (a) of this Section shall be
19 deposited into the Teacher Certificate Fee Revolving Fund and
20 shall be used, subject to appropriation, by the State Board of
21 Education to provide the technology and human resources
22 necessary for the timely and efficient processing of
23 applications and for the renewal of licenses. Funds available
24 from the Teacher Certificate Fee Revolving Fund may also be
25 used by the State Board of Education to support the
26 recruitment and retention of educators, to support educator

1 preparation programs as they seek national accreditation, and
2 to provide professional development aligned with the
3 requirements set forth in Section 21B-45 of this Code. A
4 majority of the funds in the Teacher Certificate Fee Revolving
5 Fund must be dedicated to the timely and efficient processing
6 of applications and for the renewal of licenses. The Teacher
7 Certificate Fee Revolving Fund is not subject to
8 administrative charge transfers, authorized under Section 8h
9 of the State Finance Act, from the Teacher Certificate Fee
10 Revolving Fund into any other fund of this State, and moneys in
11 the Teacher Certificate Fee Revolving Fund shall not revert
12 back to the General Revenue Fund at any time.

13 The regional superintendent of schools shall deposit the
14 registration fees paid pursuant to subdivision (4) of
15 subsection (a) of this Section into the ISBE Teacher
16 Certificate Institute Fund ~~institute fund~~ established pursuant
17 to Section 3-12 ~~3-11~~ of this Code.

18 (c) The State Board of Education and each regional office
19 of education are authorized to charge a service or convenience
20 fee for the use of credit cards for the payment of license
21 fees. This service or convenience fee shall not exceed the
22 amount required by the credit card processing company or
23 vendor that has entered into a contract with the State Board or
24 regional office of education for this purpose, and the fee
25 must be paid to that company or vendor.

26 (d) If, at the time a certificate issued under Article 21

1 of this Code is exchanged for a license issued under this
2 Article, a person has paid registration fees for any years of
3 the validity period of the certificate and these years have
4 not expired when the certificate is exchanged, then those fees
5 must be applied to the registration of the new license.

6 (Source: P.A. 101-81, eff. 7-12-19; 101-570, eff. 8-23-19;
7 102-867, eff. 5-13-22.)

8 (105 ILCS 5/22-110) (was 105 ILCS 5/27-23.7)

9 (Text of Section before amendment by P.A. 104-338)

10 Sec. 22-110. Bullying prevention.

11 (a) The General Assembly finds that a safe and civil
12 school environment is necessary for students to learn and
13 achieve and that bullying causes physical, psychological, and
14 emotional harm to students and interferes with students'
15 ability to learn and participate in school activities. The
16 General Assembly further finds that bullying has been linked
17 to other forms of antisocial behavior, such as vandalism,
18 shoplifting, skipping and dropping out of school, fighting,
19 using drugs and alcohol, sexual harassment, and sexual
20 violence. Because of the negative outcomes associated with
21 bullying in schools, the General Assembly finds that school
22 districts, charter schools, and non-public, non-sectarian
23 elementary and secondary schools should educate students,
24 parents, and school district, charter school, or non-public,
25 non-sectarian elementary or secondary school personnel about

1 what behaviors constitute prohibited bullying.

2 Bullying on the basis of actual or perceived race, color,
3 religion, sex, national origin, ancestry, physical appearance,
4 socioeconomic status, academic status, pregnancy, parenting
5 status, homelessness, age, marital status, physical or mental
6 disability, military status, sexual orientation,
7 gender-related identity or expression, unfavorable discharge
8 from military service, association with a person or group with
9 one or more of the aforementioned actual or perceived
10 characteristics, or any other distinguishing characteristic is
11 prohibited in all school districts, charter schools, and
12 non-public, non-sectarian elementary and secondary schools. No
13 student shall be subjected to bullying:

14 (1) during any school-sponsored education program or
15 activity;

16 (2) while in school, on school property, on school
17 buses or other school vehicles, at designated school bus
18 stops waiting for the school bus, or at school-sponsored
19 or school-sanctioned events or activities;

20 (3) through the transmission of information from a
21 school computer, a school computer network, or other
22 similar electronic school equipment; or

23 (4) through the transmission of information from a
24 computer that is accessed at a nonschool-related location,
25 activity, function, or program or from the use of
26 technology or an electronic device that is not owned,

1 leased, or used by a school district or school if the
2 bullying causes a substantial disruption to the
3 educational process or orderly operation of a school. This
4 item (4) applies only in cases in which a school
5 administrator or teacher receives a report that bullying
6 through this means has occurred and does not require a
7 district or school to staff or monitor any
8 nonschool-related activity, function, or program.

9 (a-5) Nothing in this Section is intended to infringe upon
10 any right to exercise free expression or the free exercise of
11 religion or religiously based views protected under the First
12 Amendment to the United States Constitution or under Section 3
13 of Article I of the Illinois Constitution.

14 (b) In this Section:

15 "Bullying" includes "cyber-bullying" and means any severe
16 or pervasive physical or verbal act or conduct, including
17 communications made in writing or electronically, directed
18 toward a student or students that has or can be reasonably
19 predicted to have the effect of one or more of the following:

20 (1) placing the student or students in reasonable fear
21 of harm to the student's or students' person or property;

22 (2) causing a substantially detrimental effect on the
23 student's or students' physical or mental health;

24 (3) substantially interfering with the student's or
25 students' academic performance; or

26 (4) substantially interfering with the student's or

1 students' ability to participate in or benefit from the
2 services, activities, or privileges provided by a school.

3 Bullying, as defined in this subsection (b), may take
4 various forms, including, without limitation, one or more of
5 the following: harassment, threats, intimidation, stalking,
6 physical violence, sexual harassment, sexual violence, theft,
7 public humiliation, destruction of property, or retaliation
8 for asserting or alleging an act of bullying. This list is
9 meant to be illustrative and non-exhaustive.

10 "Cyber-bullying" means bullying through the use of
11 technology or any electronic communication, including, without
12 limitation, any transfer of signs, signals, writing, images,
13 sounds, data, or intelligence of any nature transmitted in
14 whole or in part by a wire, radio, electromagnetic system,
15 photoelectronic system, or photooptical system, including,
16 without limitation, electronic mail, Internet communications,
17 instant messages, or facsimile communications.

18 "Cyber-bullying" includes the creation of a webpage or weblog
19 in which the creator assumes the identity of another person or
20 the knowing impersonation of another person as the author of
21 posted content or messages if the creation or impersonation
22 creates any of the effects enumerated in the definition of
23 bullying in this Section. "Cyber-bullying" also includes the
24 distribution by electronic means of a communication to more
25 than one person or the posting of material on an electronic
26 medium that may be accessed by one or more persons if the

1 distribution or posting creates any of the effects enumerated
2 in the definition of bullying in this Section.

3 "Policy on bullying" means a bullying prevention policy
4 that meets the following criteria:

5 (1) Includes the bullying definition provided in this
6 Section.

7 (2) Includes a statement that bullying is contrary to
8 State law and the policy of the school district, charter
9 school, or non-public, non-sectarian elementary or
10 secondary school and is consistent with subsection (a-5)
11 of this Section.

12 (3) Includes procedures for promptly reporting
13 bullying, including, but not limited to, identifying and
14 providing the school e-mail address (if applicable) and
15 school telephone number for the staff person or persons
16 responsible for receiving such reports and a procedure for
17 anonymous reporting; however, this shall not be construed
18 to permit formal disciplinary action solely on the basis
19 of an anonymous report.

20 (4) Consistent with federal and State laws and rules
21 governing student privacy rights, includes procedures for
22 informing parents or guardians of all students involved in
23 the alleged incident of bullying within 24 hours after the
24 school's administration is made aware of the students'
25 involvement in the incident and discussing, as
26 appropriate, the availability of social work services,

1 counseling, school psychological services, other
2 interventions, and restorative measures. The school shall
3 make diligent efforts to notify a parent or legal
4 guardian, utilizing all contact information the school has
5 available or that can be reasonably obtained by the school
6 within the 24-hour period.

7 (5) Contains procedures for promptly investigating and
8 addressing reports of bullying, including the following:

9 (A) Making all reasonable efforts to complete the
10 investigation within 10 school days after the date the
11 report of the incident of bullying was received and
12 taking into consideration additional relevant
13 information received during the course of the
14 investigation about the reported incident of bullying.

15 (B) Involving appropriate school support personnel
16 and other staff persons with knowledge, experience,
17 and training on bullying prevention, as deemed
18 appropriate, in the investigation process.

19 (C) Notifying the principal or school
20 administrator or his or her designee of the report of
21 the incident of bullying as soon as possible after the
22 report is received.

23 (D) Consistent with federal and State laws and
24 rules governing student privacy rights, providing
25 parents and guardians of the students who are parties
26 to the investigation information about the

1 investigation and an opportunity to meet with the
2 principal or school administrator or his or her
3 designee to discuss the investigation, the findings of
4 the investigation, and the actions taken to address
5 the reported incident of bullying.

6 (6) Includes the interventions that can be taken to
7 address bullying, which may include, but are not limited
8 to, school social work services, restorative measures,
9 social-emotional skill building, counseling, school
10 psychological services, and community-based services.

11 (7) Includes a statement prohibiting reprisal or
12 retaliation against any person who reports an act of
13 bullying and the consequences and appropriate remedial
14 actions for a person who engages in reprisal or
15 retaliation.

16 (8) Includes consequences and appropriate remedial
17 actions for a person found to have falsely accused another
18 of bullying as a means of retaliation or as a means of
19 bullying.

20 (9) Is based on the engagement of a range of school
21 stakeholders, including students and parents or guardians.

22 (10) Is posted on the school district's, charter
23 school's, or non-public, non-sectarian elementary or
24 secondary school's existing, publicly accessible ~~Internet~~
25 website, is included in the student handbook, and, where
26 applicable, posted where other policies, rules, and

1 standards of conduct are currently posted in the school
2 and provided periodically throughout the school year to
3 students and faculty, and is distributed annually to
4 parents, guardians, students, and school personnel,
5 including new employees when hired.

6 (11) As part of the process of reviewing and
7 re-evaluating the policy under subsection (d) of this
8 Section, contains a policy evaluation process to assess
9 the outcomes and effectiveness of the policy that
10 includes, but is not limited to, factors such as the
11 frequency of victimization; student, staff, and family
12 observations of safety at a school; identification of
13 areas of a school where bullying occurs; the types of
14 bullying utilized; and bystander intervention or
15 participation. The school district, charter school, or
16 non-public, non-sectarian elementary or secondary school
17 may use relevant data and information it already collects
18 for other purposes in the policy evaluation. The
19 information developed as a result of the policy evaluation
20 must be made available on the ~~Internet~~ website of the
21 school district, charter school, or non-public,
22 non-sectarian elementary or secondary school. If a ~~an~~
23 ~~Internet~~ website is not available, the information must be
24 provided to school administrators, school board members,
25 school personnel, parents, guardians, and students.

26 (12) Is consistent with the policies of the school

1 board, charter school, or non-public, non-sectarian
2 elementary or secondary school.

3 (13) Requires all individual instances of bullying, as
4 well as all threats, suggestions, or instances of
5 self-harm determined to be the result of bullying, to be
6 reported to the parents or legal guardians of those
7 involved under the guidelines provided in paragraph (4) of
8 this definition.

9 "Restorative measures" means a continuum of school-based
10 alternatives to exclusionary discipline, such as suspensions
11 and expulsions, that: (i) are adapted to the particular needs
12 of the school and community, (ii) contribute to maintaining
13 school safety, (iii) protect the integrity of a positive and
14 productive learning climate, (iv) teach students the personal
15 and interpersonal skills they will need to be successful in
16 school and society, (v) serve to build and restore
17 relationships among students, families, schools, and
18 communities, (vi) reduce the likelihood of future disruption
19 by balancing accountability with an understanding of students'
20 behavioral health needs in order to keep students in school,
21 and (vii) increase student accountability if the incident of
22 bullying is based on religion, race, ethnicity, or any other
23 category that is identified in the Illinois Human Rights Act.

24 "School personnel" means persons employed by, on contract
25 with, or who volunteer in a school district, charter school,
26 or non-public, non-sectarian elementary or secondary school,

1 including, without limitation, school and school district
2 administrators, teachers, school social workers, school
3 counselors, school psychologists, school nurses, cafeteria
4 workers, custodians, bus drivers, school resource officers,
5 and security guards.

6 (c) (Blank).

7 (d) Each school district, charter school, and non-public,
8 non-sectarian elementary or secondary school shall create,
9 maintain, and implement a policy on bullying, which policy
10 must be filed with the State Board of Education. The policy on
11 bullying shall be based on the State Board of Education's
12 template for a model bullying prevention policy under
13 subsection (h) and shall include the criteria set forth in the
14 definition of "policy on bullying". The policy or implementing
15 procedure shall include a process to investigate whether a
16 reported act of bullying is within the permissible scope of
17 the district's or school's jurisdiction and shall require that
18 the district or school provide the victim with information
19 regarding services that are available within the district and
20 community, such as counseling, support services, and other
21 programs. School personnel available for help with a bully or
22 to make a report about bullying shall be made known to parents
23 or legal guardians, students, and school personnel. Every 2
24 years, each school district, charter school, and non-public,
25 non-sectarian elementary or secondary school shall conduct a
26 review and re-evaluation of its policy and make any necessary

1 and appropriate revisions. No later than September 30 of the
2 subject year, the policy must be filed with the State Board of
3 Education after being updated. The State Board of Education
4 shall monitor and provide technical support for the
5 implementation of policies created under this subsection (d).
6 In monitoring the implementation of the policies, the State
7 Board of Education shall review each filed policy on bullying
8 to ensure all policies meet the requirements set forth in this
9 Section, including ensuring that each policy meets the 12
10 criteria ~~criterion~~ identified within the definition of "policy
11 on bullying" set forth in this Section.

12 If a school district, charter school, or non-public,
13 non-sectarian elementary or secondary school fails to file a
14 policy on bullying by September 30 of the subject year, the
15 State Board of Education shall provide a written request for
16 filing to the school district, charter school, or non-public,
17 non-sectarian elementary or secondary school. If a school
18 district, charter school, or non-public, non-sectarian
19 elementary or secondary school fails to file a policy on
20 bullying within 14 days of receipt of the aforementioned
21 written request, the State Board of Education shall publish
22 notice of the non-compliance on the State Board of Education's
23 website.

24 Each school district, charter school, and non-public,
25 non-sectarian elementary or secondary school may provide
26 evidence-based professional development and youth programming

1 on bullying prevention that is consistent with the provisions
2 of this Section.

3 (e) This Section shall not be interpreted to prevent a
4 victim from seeking redress under any other available civil or
5 criminal law.

6 (f) School districts, charter schools, and non-public,
7 non-sectarian elementary and secondary schools shall collect,
8 maintain, and submit to the State Board of Education
9 non-identifiable data regarding verified allegations of
10 bullying within the school district, charter school, or
11 non-public, non-sectarian elementary or secondary school.
12 School districts, charter schools, and non-public,
13 non-sectarian elementary and secondary schools must submit
14 such data in an annual report due to the State Board of
15 Education no later than August 15 of each year starting with
16 the 2024-2025 school year through the 2030-2031 school year.
17 The State Board of Education shall adopt rules for the
18 submission of data that includes, but is not limited to: (i) a
19 record of each verified allegation of bullying and action
20 taken; and (ii) whether the instance of bullying was based on
21 actual or perceived characteristics identified in subsection
22 (a) and, if so, lists the relevant characteristics. The rules
23 for the submission of data shall be consistent with federal
24 and State laws and rules governing student privacy rights,
25 including, but not limited to, the federal Family Educational
26 Rights and Privacy Act of 1974 and the Illinois School Student

1 Records Act, which shall include, without limitation, a record
2 of each complaint and action taken. The State Board of
3 Education shall adopt rules regarding the notification of
4 school districts, charter schools, and non-public,
5 non-sectarian elementary and secondary schools that fail to
6 comply with the requirements of this subsection.

7 (g) Upon the request of a parent or legal guardian of a
8 child enrolled in a school district, charter school, or
9 non-public, non-sectarian elementary or secondary school
10 within this State, the State Board of Education must provide
11 non-identifiable data on the number of bullying allegations
12 and incidents in a given year in the school district, charter
13 school, or non-public, non-sectarian elementary or secondary
14 school to the requesting parent or legal guardian. The State
15 Board of Education shall adopt rules regarding (i) the
16 handling of such data, (ii) maintaining the privacy of the
17 students and families involved, and (iii) best practices for
18 sharing numerical data with parents and legal guardians.

19 (h) By January 1, 2024, the State Board of Education shall
20 post on its ~~Internet~~ website a template for a model bullying
21 prevention policy.

22 (i) The Illinois Bullying and Cyberbullying Prevention
23 Fund is created as a special fund in the State treasury. Any
24 moneys appropriated to the Fund may be used, subject to
25 appropriation, by the State Board of Education for the
26 purposes of subsection (j).

1 (j) Subject to appropriation, the State Superintendent of
2 Education may provide a grant to a school district, charter
3 school, or non-public, non-sectarian elementary or secondary
4 school to support its anti-bullying programming. Grants may be
5 awarded from the Illinois Bullying and Cyberbullying
6 Prevention Fund. School districts, charter schools, and
7 non-public, non-sectarian elementary or secondary schools that
8 are not in compliance with subsection (f) are not eligible to
9 receive a grant from the Illinois Bullying and Cyberbullying
10 Prevention Fund.

11 (Source: P.A. 103-47, eff. 6-9-23; 104-391, eff. 8-15-25;
12 revised 9-24-25.)

13 (Text of Section after amendment by P.A. 104-338)

14 Sec. 22-110. Bullying prevention.

15 (a) The General Assembly finds that a safe and civil
16 school environment is necessary for students to learn and
17 achieve and that bullying causes physical, psychological, and
18 emotional harm to students and interferes with students'
19 ability to learn and participate in school activities. The
20 General Assembly further finds that bullying has been linked
21 to other forms of antisocial behavior, such as vandalism,
22 shoplifting, skipping and dropping out of school, fighting,
23 using drugs and alcohol, sexual harassment, and sexual
24 violence. Because of the negative outcomes associated with
25 bullying in schools, the General Assembly finds that school

1 districts, charter schools, and non-public, non-sectarian
2 elementary and secondary schools should educate students,
3 parents, and school district, charter school, or non-public,
4 non-sectarian elementary or secondary school personnel about
5 what behaviors constitute prohibited bullying.

6 Bullying on the basis of actual or perceived race, color,
7 religion, sex, national origin, ancestry, physical appearance,
8 socioeconomic status, academic status, pregnancy, parenting
9 status, homelessness, age, marital status, physical or mental
10 disability, military status, sexual orientation,
11 gender-related identity or expression, unfavorable discharge
12 from military service, association with a person or group with
13 one or more of the aforementioned actual or perceived
14 characteristics, or any other distinguishing characteristic is
15 prohibited in all school districts, charter schools, and
16 non-public, non-sectarian elementary and secondary schools. No
17 student shall be subjected to bullying:

18 (1) during any school-sponsored education program or
19 activity;

20 (2) while in school, on school property, on school
21 buses or other school vehicles, at designated school bus
22 stops waiting for the school bus, or at school-sponsored
23 or school-sanctioned events or activities;

24 (3) through the transmission of information from a
25 school computer, a school computer network, or other
26 similar electronic school equipment; or

1 (4) through the transmission of information from a
2 computer that is accessed at a nonschool-related location,
3 activity, function, or program or from the use of
4 technology or an electronic device that is not owned,
5 leased, or used by a school district or school if the
6 bullying causes a substantial disruption to the
7 educational process or orderly operation of a school. This
8 item (4) applies only in cases in which a school
9 administrator or teacher receives a report that bullying
10 through this means has occurred and does not require a
11 district or school to staff or monitor any
12 nonschool-related activity, function, or program.

13 (a-5) Nothing in this Section is intended to infringe upon
14 any right to exercise free expression or the free exercise of
15 religion or religiously based views protected under the First
16 Amendment to the United States Constitution or under Section 3
17 of Article I of the Illinois Constitution.

18 (b) In this Section:

19 "Artificial intelligence" has the meaning given to that
20 term in the Digital Voice and Likeness Protection Act.

21 "Bullying" includes "cyber-bullying" and means any severe
22 or pervasive physical or verbal act or conduct, including
23 communications made in writing or electronically, directed
24 toward a student or students that has or can be reasonably
25 predicted to have the effect of one or more of the following:

26 (1) placing the student or students in reasonable fear

1 of harm to the student's or students' person or property;

2 (2) causing a substantially detrimental effect on the
3 student's or students' physical or mental health;

4 (3) substantially interfering with the student's or
5 students' academic performance; or

6 (4) substantially interfering with the student's or
7 students' ability to participate in or benefit from the
8 services, activities, or privileges provided by a school.

9 Bullying, as defined in this subsection (b), may take
10 various forms, including, without limitation, one or more of
11 the following: harassment, threats, intimidation, stalking,
12 physical violence, sexual harassment, sexual violence, posting
13 or distributing sexually explicit images, theft, public
14 humiliation, destruction of property, or retaliation for
15 asserting or alleging an act of bullying. This list is meant to
16 be illustrative and non-exhaustive.

17 "Cyber-bullying" means bullying through the use of
18 technology or any electronic communication, including, without
19 limitation, any transfer of signs, signals, writing, images,
20 sounds, data, or intelligence of any nature transmitted in
21 whole or in part by a wire, radio, electromagnetic system,
22 photoelectronic system, or photooptical system, including,
23 without limitation, electronic mail, Internet communications,
24 instant messages, or facsimile communications.

25 "Cyber-bullying" includes the creation of a webpage or weblog
26 in which the creator assumes the identity of another person or

1 the knowing impersonation of another person as the author of
2 posted content or messages if the creation or impersonation
3 creates any of the effects enumerated in the definition of
4 bullying in this Section. "Cyber-bullying" also includes the
5 distribution by electronic means of a communication to more
6 than one person or the posting of material on an electronic
7 medium that may be accessed by one or more persons if the
8 distribution or posting creates any of the effects enumerated
9 in the definition of bullying in this Section. Beginning with
10 the 2026-2027 school year, "cyber-bullying" also includes the
11 posting or distribution of an unauthorized digital replica by
12 electronic means if the posting or distribution creates any of
13 the effects enumerated in the definition of "bullying" in this
14 Section.

15 "Digital replica" has the meaning given to that term in
16 the Digital Voice and Likeness Protection Act.

17 "Policy on bullying" means a bullying prevention policy
18 that meets the following criteria:

19 (1) Includes the bullying definition provided in this
20 Section.

21 (2) Includes a statement that bullying is contrary to
22 State law and the policy of the school district, charter
23 school, or non-public, non-sectarian elementary or
24 secondary school and is consistent with subsection (a-5)
25 of this Section.

26 (3) Includes procedures for promptly reporting

1 bullying, including, but not limited to, identifying and
2 providing the school e-mail address (if applicable) and
3 school telephone number for the staff person or persons
4 responsible for receiving such reports and a procedure for
5 anonymous reporting; however, this shall not be construed
6 to permit formal disciplinary action solely on the basis
7 of an anonymous report.

8 (4) Consistent with federal and State laws and rules
9 governing student privacy rights, includes procedures for
10 informing parents or guardians of all students involved in
11 the alleged incident of bullying within 24 hours after the
12 school's administration is made aware of the students'
13 involvement in the incident and discussing, as
14 appropriate, the availability of social work services,
15 counseling, school psychological services, other
16 interventions, and restorative measures. The school shall
17 make diligent efforts to notify a parent or legal
18 guardian, utilizing all contact information the school has
19 available or that can be reasonably obtained by the school
20 within the 24-hour period.

21 (5) Contains procedures for promptly investigating and
22 addressing reports of bullying, including the following:

23 (A) Making all reasonable efforts to complete the
24 investigation within 10 school days after the date the
25 report of the incident of bullying was received and
26 taking into consideration additional relevant

1 information received during the course of the
2 investigation about the reported incident of bullying.

3 (B) Involving appropriate school support personnel
4 and other staff persons with knowledge, experience,
5 and training on bullying prevention, as deemed
6 appropriate, in the investigation process.

7 (C) Notifying the principal or school
8 administrator or his or her designee of the report of
9 the incident of bullying as soon as possible after the
10 report is received.

11 (D) Consistent with federal and State laws and
12 rules governing student privacy rights, providing
13 parents and guardians of the students who are parties
14 to the investigation information about the
15 investigation and an opportunity to meet with the
16 principal or school administrator or his or her
17 designee to discuss the investigation, the findings of
18 the investigation, and the actions taken to address
19 the reported incident of bullying.

20 (6) Includes the interventions that can be taken to
21 address bullying, which may include, but are not limited
22 to, school social work services, restorative measures,
23 social-emotional skill building, counseling, school
24 psychological services, and community-based services.

25 (7) Includes a statement prohibiting reprisal or
26 retaliation against any person who reports an act of

1 bullying and the consequences and appropriate remedial
2 actions for a person who engages in reprisal or
3 retaliation.

4 (8) Includes consequences and appropriate remedial
5 actions for a person found to have falsely accused another
6 of bullying as a means of retaliation or as a means of
7 bullying.

8 (9) Is based on the engagement of a range of school
9 stakeholders, including students and parents or guardians.

10 (10) Is posted on the school district's, charter
11 school's, or non-public, non-sectarian elementary or
12 secondary school's existing, publicly accessible ~~Internet~~
13 website, is included in the student handbook, and, where
14 applicable, posted where other policies, rules, and
15 standards of conduct are currently posted in the school
16 and provided periodically throughout the school year to
17 students and faculty, and is distributed annually to
18 parents, guardians, students, and school personnel,
19 including new employees when hired.

20 (11) As part of the process of reviewing and
21 re-evaluating the policy under subsection (d) of this
22 Section, contains a policy evaluation process to assess
23 the outcomes and effectiveness of the policy that
24 includes, but is not limited to, factors such as the
25 frequency of victimization; student, staff, and family
26 observations of safety at a school; identification of

1 areas of a school where bullying occurs; the types of
2 bullying utilized; and bystander intervention or
3 participation. The school district, charter school, or
4 non-public, non-sectarian elementary or secondary school
5 may use relevant data and information it already collects
6 for other purposes in the policy evaluation. The
7 information developed as a result of the policy evaluation
8 must be made available on the ~~Internet~~ website of the
9 school district, charter school, or non-public,
10 non-sectarian elementary or secondary school. If a ~~an~~
11 ~~Internet~~ website is not available, the information must be
12 provided to school administrators, school board members,
13 school personnel, parents, guardians, and students.

14 (12) Is consistent with the policies of the school
15 board, charter school, or non-public, non-sectarian
16 elementary or secondary school.

17 (13) Requires all individual instances of bullying, as
18 well as all threats, suggestions, or instances of
19 self-harm determined to be the result of bullying, to be
20 reported to the parents or legal guardians of those
21 involved under the guidelines provided in paragraph (4) of
22 this definition.

23 "Restorative measures" means a continuum of school-based
24 alternatives to exclusionary discipline, such as suspensions
25 and expulsions, that: (i) are adapted to the particular needs
26 of the school and community, (ii) contribute to maintaining

1 school safety, (iii) protect the integrity of a positive and
2 productive learning climate, (iv) teach students the personal
3 and interpersonal skills they will need to be successful in
4 school and society, (v) serve to build and restore
5 relationships among students, families, schools, and
6 communities, (vi) reduce the likelihood of future disruption
7 by balancing accountability with an understanding of students'
8 behavioral health needs in order to keep students in school,
9 and (vii) increase student accountability if the incident of
10 bullying is based on religion, race, ethnicity, or any other
11 category that is identified in the Illinois Human Rights Act.

12 "School personnel" means persons employed by, on contract
13 with, or who volunteer in a school district, charter school,
14 or non-public, non-sectarian elementary or secondary school,
15 including, without limitation, school and school district
16 administrators, teachers, school social workers, school
17 counselors, school psychologists, school nurses, cafeteria
18 workers, custodians, bus drivers, school resource officers,
19 and security guards.

20 "Unauthorized digital replica" means the use of a digital
21 replica of an individual without the consent of the depicted
22 individual.

23 (c) (Blank).

24 (d) Each school district, charter school, and non-public,
25 non-sectarian elementary or secondary school shall create,
26 maintain, and implement a policy on bullying, which policy

1 must be filed with the State Board of Education. The policy on
2 bullying shall be based on the State Board of Education's
3 template for a model bullying prevention policy under
4 subsection (h) and shall include the criteria set forth in the
5 definition of "policy on bullying". The policy or implementing
6 procedure shall include a process to investigate whether a
7 reported act of bullying is within the permissible scope of
8 the district's or school's jurisdiction and shall require that
9 the district or school provide the victim with information
10 regarding services that are available within the district and
11 community, such as counseling, support services, and other
12 programs. School personnel available for help with a bully or
13 to make a report about bullying shall be made known to parents
14 or legal guardians, students, and school personnel. Every 2
15 years, each school district, charter school, and non-public,
16 non-sectarian elementary or secondary school shall conduct a
17 review and re-evaluation of its policy and make any necessary
18 and appropriate revisions. No later than September 30 of the
19 subject year, the policy must be filed with the State Board of
20 Education after being updated. The State Board of Education
21 shall monitor and provide technical support for the
22 implementation of policies created under this subsection (d).
23 In monitoring the implementation of the policies, the State
24 Board of Education shall review each filed policy on bullying
25 to ensure all policies meet the requirements set forth in this
26 Section, including ensuring that each policy meets the 13

1 ~~criteria criterion~~ identified within the definition of "policy
2 on bullying" set forth in this Section.

3 If a school district, charter school, or non-public,
4 non-sectarian elementary or secondary school fails to file a
5 policy on bullying by September 30 of the subject year, the
6 State Board of Education shall provide a written request for
7 filing to the school district, charter school, or non-public,
8 non-sectarian elementary or secondary school. If a school
9 district, charter school, or non-public, non-sectarian
10 elementary or secondary school fails to file a policy on
11 bullying within 14 days of receipt of the aforementioned
12 written request, the State Board of Education shall publish
13 notice of the non-compliance on the State Board of Education's
14 website.

15 Each school district, charter school, and non-public,
16 non-sectarian elementary or secondary school may provide
17 evidence-based professional development and youth programming
18 on bullying prevention that is consistent with the provisions
19 of this Section.

20 (e) This Section shall not be interpreted to prevent a
21 victim from seeking redress under any other available civil or
22 criminal law.

23 (f) School districts, charter schools, and non-public,
24 non-sectarian elementary and secondary schools shall collect,
25 maintain, and submit to the State Board of Education
26 non-identifiable data regarding verified allegations of

1 bullying within the school district, charter school, or
2 non-public, non-sectarian elementary or secondary school.
3 School districts, charter schools, and non-public,
4 non-sectarian elementary and secondary schools must submit
5 such data in an annual report due to the State Board of
6 Education no later than August 15 of each year starting with
7 the 2024-2025 school year through the 2030-2031 school year.
8 The State Board of Education shall adopt rules for the
9 submission of data that includes, but is not limited to: (i) a
10 record of each verified allegation of bullying and action
11 taken; and (ii) whether the instance of bullying was based on
12 actual or perceived characteristics identified in subsection
13 (a) and, if so, lists the relevant characteristics. The rules
14 for the submission of data shall be consistent with federal
15 and State laws and rules governing student privacy rights,
16 including, but not limited to, the federal Family Educational
17 Rights and Privacy Act of 1974 and the Illinois School Student
18 Records Act, which shall include, without limitation, a record
19 of each complaint and action taken. The State Board of
20 Education shall adopt rules regarding the notification of
21 school districts, charter schools, and non-public,
22 non-sectarian elementary and secondary schools that fail to
23 comply with the requirements of this subsection.

24 (g) Upon the request of a parent or legal guardian of a
25 child enrolled in a school district, charter school, or
26 non-public, non-sectarian elementary or secondary school

1 within this State, the State Board of Education must provide
2 non-identifiable data on the number of bullying allegations
3 and incidents in a given year in the school district, charter
4 school, or non-public, non-sectarian elementary or secondary
5 school to the requesting parent or legal guardian. The State
6 Board of Education shall adopt rules regarding (i) the
7 handling of such data, (ii) maintaining the privacy of the
8 students and families involved, and (iii) best practices for
9 sharing numerical data with parents and legal guardians.

10 (h) By January 1, 2024, the State Board of Education shall
11 post on its ~~Internet~~ website a template for a model bullying
12 prevention policy.

13 (i) (Blank). ~~The Illinois Bullying and Cyberbullying~~
14 ~~Prevention Fund is created as a special fund in the State~~
15 ~~treasury. Any moneys appropriated to the Fund may be used,~~
16 ~~subject to appropriation, by the State Board of Education for~~
17 ~~the purposes of subsection (j).~~

18 (j) Subject to appropriation, the State Superintendent of
19 Education may provide a grant to a school district, charter
20 school, or non-public, non-sectarian elementary or secondary
21 school to support its anti-bullying programming. ~~Grants may be~~
22 ~~awarded from the Illinois Bullying and Cyberbullying~~
23 ~~Prevention Fund.~~ School districts, charter schools, and
24 non-public, non-sectarian elementary or secondary schools that
25 are not in compliance with subsection (f) are not eligible to
26 receive a grant under this subsection ~~from the Illinois~~

1 ~~Bullying and Cyberbullying Prevention Fund.~~

2 (Source: P.A. 103-47, eff. 6-9-23; 104-338, eff. 7-1-26;
3 104-391, eff. 8-15-25; revised 9-24-25.)

4 Section 5-110. The Public Utilities Act is amended by
5 changing Sections 13-301.3, 13-305, 13-502.5, and 21-1101 as
6 follows:

7 (220 ILCS 5/13-301.3)

8 (Section scheduled to be repealed on January 1, 2030)

9 Sec. 13-301.3. Digital Divide Elimination Infrastructure
10 Program.

11 (a) The Digital Divide Elimination Infrastructure Fund is
12 created as a special fund in the State treasury. All moneys in
13 the Fund shall be used, subject to appropriation, by the
14 Commission to fund (i) the construction of facilities
15 specified in Commission rules adopted under this Section and
16 (ii) the accessible electronic information program, as
17 provided in Section 20 of the Accessible Electronic
18 Information Act. The Commission may accept private and public
19 funds, including federal funds, for deposit into the Fund.
20 Earnings attributable to moneys in the Fund shall be deposited
21 into the Fund.

22 (b) The Commission shall adopt rules under which it will
23 make grants out of funds appropriated from the Digital Divide
24 Elimination Infrastructure Fund to eligible entities as

1 specified in the rules for the construction of high-speed data
2 transmission facilities in eligible areas of the State. For
3 purposes of determining whether an area is an eligible area,
4 the Commission shall consider, among other things, whether (i)
5 in such area, advanced telecommunications services, as defined
6 in subsection (c) of Section 13-517 of this Act, are
7 under-provided to residential or small business end users,
8 either directly or indirectly through an Internet Service
9 Provider, (ii) such area has a low population density, and
10 (iii) such area has not yet developed a competitive market for
11 advanced services. In addition, if an entity seeking a grant
12 of funds from the Digital Divide Elimination Infrastructure
13 Fund is an incumbent local exchange carrier having the duty to
14 serve such area, and the obligation to provide advanced
15 services to such area pursuant to Section 13-517 of this Act,
16 the entity shall demonstrate that it has sought and obtained
17 an exemption from such obligation pursuant to subsection (b)
18 of Section 13-517. Any entity seeking a grant of funds from the
19 Digital Divide Elimination Infrastructure Fund shall
20 demonstrate to the Commission that the grant shall be used for
21 the construction of high-speed data transmission facilities in
22 an eligible area and demonstrate that it satisfies all other
23 requirements of the Commission's rules. The Commission shall
24 determine the information that it deems necessary to award
25 grants pursuant to this Section.

26 (c) The rules of the Commission shall provide for the

1 competitive selection of recipients of grant funds available
2 from the Digital Divide Elimination Infrastructure Fund
3 pursuant to the Illinois Procurement Code. Grants shall be
4 awarded to bidders chosen on the basis of the criteria
5 established in such rules.

6 (d) All entities awarded grant moneys under this Section
7 shall maintain all records required by Commission rule for the
8 period of time specified in the rules. Such records shall be
9 subject to audit by the Commission, by any auditor appointed
10 by the State, or by any State officer authorized to conduct
11 audits.

12 (e) On July 1, 2026 or as soon thereafter as practical, the
13 State Comptroller shall direct and the State Treasurer shall
14 transfer the remaining balance from the Digital Divide
15 Elimination Infrastructure Fund into the General Revenue Fund.
16 Upon completion of the transfer, the Digital Divide
17 Elimination Infrastructure Fund is dissolved, and any future
18 deposits due to that Fund and any outstanding obligations or
19 liabilities of that Fund pass to the General Revenue Fund.
20 This Section is repealed on January 1, 2027.

21 (Source: P.A. 100-20, eff. 7-1-17.)

22 (220 ILCS 5/13-305)

23 (Section scheduled to be repealed on January 1, 2030)

24 Sec. 13-305. Amount of civil penalty. A telecommunications
25 carrier, any corporation other than a telecommunications

1 carrier, or any person acting as a telecommunications carrier
2 that violates or fails to comply with any provisions of this
3 Act or that fails to obey, observe, or comply with any order,
4 decision, rule, regulation, direction, or requirement, or any
5 part or provision thereof, of the Commission, made or issued
6 under authority of this Act, in a case in which a civil penalty
7 is not otherwise provided for in this Act, but excepting
8 Section 5-202 of the Act, shall be subject to a civil penalty
9 imposed in the manner provided in Section 13-304 of no more
10 than \$30,000 or 0.00825% of the carrier's gross intrastate
11 annual telecommunications revenue, whichever is greater, for
12 each offense unless the violator has fewer than 35,000
13 subscriber access lines, in which case the civil penalty may
14 not exceed \$2,000 for each offense.

15 A telecommunications carrier subject to administrative
16 penalties resulting from a final Commission order approving an
17 intercorporate transaction entered pursuant to Section 7-204
18 of this Act shall be subject to penalties under this Section
19 imposed for the same conduct only to the extent that such
20 penalties exceed those imposed by the final Commission order.

21 Every violation of the provisions of this Act or of any
22 order, decision, rule, regulation, direction, or requirement
23 of the Commission, or any part or provision thereof, by any
24 corporation or person, is a separate and distinct offense.
25 Penalties under this Section shall attach and begin to accrue
26 from the day after written notice is delivered to such party or

1 parties that they are in violation of or have failed to comply
2 with this Act or an order, decision, rule, regulation,
3 direction, or requirement of the Commission, or part or
4 provision thereof. In case of a continuing violation, each
5 day's continuance thereof shall be a separate and distinct
6 offense.

7 In construing and enforcing the provisions of this Act
8 relating to penalties, the act, omission, or failure of any
9 officer, agent, or employee of any telecommunications carrier
10 or of any person acting within the scope of his or her duties
11 or employment shall in every case be deemed to be the act,
12 omission, or failure of such telecommunications carrier or
13 person.

14 If the party who has violated or failed to comply with this
15 Act or an order, decision, rule, regulation, direction, or
16 requirement of the Commission, or any part or provision
17 thereof, fails to seek timely review pursuant to Sections
18 10-113 and 10-201 of this Act, the party shall, upon
19 expiration of the statutory time limit, be subject to the
20 civil penalty provision of this Section.

21 All ~~Twenty percent of all~~ moneys collected under this
22 Section shall be deposited into the Digital Divide Elimination
23 Fund ~~and 20% of all moneys collected under this Section shall~~
24 ~~be deposited into the Digital Divide Elimination~~
25 ~~Infrastructure Fund.~~

26 (Source: P.A. 100-20, eff. 7-1-17.)

1 (220 ILCS 5/13-502.5)

2 (Section scheduled to be repealed on January 1, 2030)

3 Sec. 13-502.5. Services alleged to be improperly
4 classified.

5 (a) Any action or proceeding pending before the Commission
6 on June 30, 2001 (upon the effective date of Public Act 92-22)
7 ~~this amendatory Act of the 92nd General Assembly~~ in which it is
8 alleged that a telecommunications carrier has improperly
9 classified services as competitive, other than a case
10 pertaining to Section 13-506.1, shall be abated and shall not
11 be maintained or continued.

12 (b) All retail telecommunications services provided to
13 business end users by any telecommunications carrier subject,
14 as of May 1, 2001, to alternative regulation under an
15 alternative regulation plan pursuant to Section 13-506.1 of
16 this Act shall be classified as competitive as of June 30, 2001
17 (the effective date of Public Act 92-22) ~~this amendatory Act~~
18 ~~of the 92nd General Assembly~~ without further Commission
19 review. Rates for retail telecommunications services provided
20 to business end users with 4 or fewer access lines shall not
21 exceed the rates the carrier charged for those services on May
22 1, 2001. This restriction upon the rates of retail
23 telecommunications services provided to business end users
24 shall remain in force and effect through July 1, 2005;
25 provided, however, that nothing in this Section shall be

1 construed to prohibit reduction of those rates. Rates for
2 retail telecommunications services provided to business end
3 users with 5 or more access lines shall not be subject to the
4 restrictions set forth in this subsection.

5 (c) All retail vertical services, as defined herein, that
6 are provided by a telecommunications carrier subject, as of
7 May 1, 2001, to alternative regulation under an alternative
8 regulation plan pursuant to Section 13-506.1 of this Act shall
9 be classified as competitive as of June 1, 2003 without
10 further Commission review. Retail vertical services shall
11 include, for purposes of this Section, services available on a
12 subscriber's telephone line that the subscriber pays for on a
13 periodic or per use basis, but shall not include caller
14 identification and call waiting.

15 (d) Any action or proceeding before the Commission on June
16 30, 2001 (~~upon~~ the effective date of Public Act 92-22) ~~this~~
17 ~~amendatory Act of the 92nd General Assembly~~, in which it is
18 alleged that a telecommunications carrier has improperly
19 classified services as competitive, other than a case
20 pertaining to Section 13-506.1, shall be abated and the
21 services the classification of which is at issue shall be
22 deemed either competitive or noncompetitive as set forth in
23 this Section. Any telecommunications carrier subject to an
24 action or proceeding in which it is alleged that the
25 telecommunications carrier has improperly classified services
26 as competitive shall be deemed liable to refund, and shall

1 refund, the sum of \$90,000,000 to that class or those classes
2 of its customers that were alleged to have paid rates in excess
3 of noncompetitive rates as the result of the alleged improper
4 classification. The telecommunications carrier shall make the
5 refund no later than 120 days after June 30, 2001 (the
6 effective date of Public Act 92-22) ~~this amendatory Act of the~~
7 ~~92nd General Assembly.~~

8 (e) Any telecommunications carrier subject to an action or
9 proceeding in which it is alleged that the telecommunications
10 carrier has improperly classified services as competitive
11 shall also pay the sum of \$15,000,000 to the Digital Divide
12 Elimination Fund (now repealed) established pursuant to
13 Section 5-20 of the Eliminate the Digital Divide Law, and
14 shall further pay the sum of \$15,000,000 to the Digital Divide
15 Elimination Infrastructure Fund established pursuant to
16 Section 13-301.3 of this Act. The telecommunications carrier
17 shall make each of these payments in 3 installments of
18 \$5,000,000, payable on July 1 of 2002, 2003, and 2004. The
19 telecommunications carrier shall have no further accounting
20 for these payments, which shall be used for the purposes
21 established in the Eliminate the Digital Divide Law.

22 (f) All other services shall be classified pursuant to
23 Section 13-502 of this Act.

24 (Source: P.A. 100-20, eff. 7-1-17.)

1 (Section scheduled to be repealed on January 1, 2030)

2 Sec. 21-1101. Requirements to provide video services.

3 (a) The holder of a State-issued authorization shall not
4 deny access to cable service or video service to any potential
5 residential subscribers because of the race or income of the
6 residents in the local area in which the potential subscribers
7 reside.

8 (b) (Blank).

9 (c) (1) If the holder of a State-issued authorization is
10 using telecommunications facilities to provide cable or video
11 service and has more than 1,000,000 telecommunications access
12 lines in this State, the holder shall provide access to its
13 cable or video service to a number of households equal to at
14 least 35% of the households in the holder's telecommunications
15 service area in the State within 3 years after the date a
16 holder receives a State-issued authorization from the
17 Commission and to a number not less than 50% of these
18 households within 5 years after the date a holder receives a
19 State-issued authorization from the Commission; provided that
20 the holder of a State-issued authorization is not required to
21 meet the 50% requirement in this paragraph (1) until 2 years
22 after at least 15% of the households with access to the
23 holder's video service subscribe to the service for 6
24 consecutive months.

25 The holder's obligation to provide such access in the
26 State shall be distributed, as the holder determines, within 3

1 designated market areas, one in each of the northeastern,
2 central, and southwestern portions of the holder's
3 telecommunications service area in the State. The designated
4 market area for the northeastern portion shall consist of 2
5 separate and distinct reporting areas: (i) a city with more
6 than 1,000,000 inhabitants, and (ii) all other local units of
7 government on a combined basis within such designated market
8 area in which it offers video service.

9 If any state, in which a holder subject to this subsection
10 (c) or one of its affiliates provides or seeks to provide cable
11 or video service, adopts a law permitting state-issued
12 authorization or statewide franchises to provide cable or
13 video service that requires a cable or video provider to offer
14 service to more than 35% of the households in the cable or
15 video provider's service area in that state within 3 years,
16 holders subject to this subsection (c) shall provide service
17 in this State to the same percentage of households within 3
18 years of adoption of such law in that state.

19 Furthermore, if any state, in which a holder subject to
20 this subsection (c) or one of its affiliates provides or seeks
21 to provide cable or video service, adopts a law requiring a
22 holder of a state-issued authorization or statewide franchises
23 to offer cable or video service to more than 35% of its
24 households if less than 15% of the households with access to
25 the holder's video service subscribe to the service for 6
26 consecutive months, then as a precondition to further

1 build-out, holders subject to this subsection (c) shall be
2 subject to the same percentage of service subscription in
3 meeting its obligation to provide service to 50% of the
4 households in this State.

5 (2) Within 3 years after the date a holder receives a
6 State-issued authorization from the Commission, at least 30%
7 of the total households with access to the holder's cable or
8 video service shall be low-income.

9 Within each designated market area listed in paragraph (1)
10 of this subsection (c), the holder's obligation to offer
11 service to low-income households shall be measured by each
12 exchange, as that term is defined in Section 13-206 of this Act
13 in which the holder chooses to provide cable or video service.
14 The holder is under no obligation to serve or provide access to
15 an entire exchange; however, in addition to the statewide
16 obligation to provide low-income access provided by this
17 Section, in each exchange in which the holder chooses to
18 provide cable or video service, the holder shall provide
19 access to a percentage of low-income households that is at
20 least equal to the percentage of the total low-income
21 households within that exchange.

22 (d)(1) All other holders shall only provide access to one
23 or more exchanges, as that term is defined in Section 13-206 of
24 this Act, or to local units of government and shall provide
25 access to their cable or video service to a number of
26 households equal to 35% of the households in the exchange or

1 local unit of government within 3 years after the date a holder
2 receives a State-issued authorization from the Commission and
3 to a number not less than 50% of these households within 5
4 years after the date a holder receives a State-issued
5 authorization from the Commission, provided that if the holder
6 is an incumbent cable operator or any successor-in-interest
7 company, it shall be obligated to provide access to cable or
8 video services within the jurisdiction of a local unit of
9 government at the same levels required by the local
10 franchising authorities for that local unit of government on
11 June 30, 2007 (the effective date of Public Act 95-9).

12 (2) Within 3 years after the date a holder receives a
13 State-issued authorization from the Commission, at least 30%
14 of the total households with access to the holder's cable or
15 video service shall be low-income.

16 Within each designated exchange, as that term is defined
17 in Section 13-206 of this Act, or local unit of government
18 listed in paragraph (1) of this subsection (d), the holder's
19 obligation to offer service to low-income households shall be
20 measured by each exchange or local unit of government in which
21 the holder chooses to provide cable or video service. Except
22 as provided in paragraph (1) of this subsection (d), the
23 holder is under no obligation to serve or provide access to an
24 entire exchange or local unit of government; however, in
25 addition to the statewide obligation to provide low-income
26 access provided by this Section, in each exchange or local

1 unit of government in which the holder chooses to provide
2 cable or video service, the holder shall provide access to a
3 percentage of low-income households that is at least equal to
4 the percentage of the total low-income households within that
5 exchange or local unit of government.

6 (e) A holder subject to subsection (c) of this Section
7 shall provide wireline broadband service, defined as wireline
8 service, capable of supporting, in at least one direction, a
9 speed in excess of 200 kilobits per second (kbps), to the
10 network demarcation point at the subscriber's premises, to a
11 number of households equal to 90% of the households in the
12 holder's telecommunications service area by December 31, 2008,
13 or shall pay within 30 days of December 31, 2008 a sum of
14 \$15,000,000 to the Digital Divide Elimination Infrastructure
15 Fund (now repealed) established pursuant to Section 13-301.3
16 of this Act, or any successor fund established by the General
17 Assembly. In that event the holder is required to make a
18 payment pursuant to this subsection (e), the holder shall have
19 no further accounting for this payment, which shall be used in
20 any part of the State ~~for the purposes established in the~~
21 ~~Digital Divide Elimination Infrastructure Fund or~~ for
22 broadband deployment.

23 (f) The holder of a State-issued authorization may satisfy
24 the requirements of subsections (c) and (d) of this Section
25 through the use of any technology, which shall not include
26 direct-to-home satellite service, that offers service,

1 functionality, and content that is demonstrably similar to
2 that provided through the holder's video service system.

3 (g) In any investigation into or complaint alleging that
4 the holder of a State-issued authorization has failed to meet
5 the requirements of this Section, the following factors may be
6 considered in justification or mitigation or as justification
7 for an extension of time to meet the requirements of
8 subsections (c) and (d) of this Section:

9 (1) The inability to obtain access to public and
10 private rights-of-way under reasonable terms and
11 conditions.

12 (2) Barriers to competition arising from existing
13 exclusive service arrangements in developments or
14 buildings.

15 (3) The inability to access developments or buildings
16 using reasonable technical solutions under commercially
17 reasonable terms and conditions.

18 (4) Natural disasters.

19 (5) Other factors beyond the control of the holder.

20 (h) If the holder relies on the factors identified in
21 subsection (g) of this Section in response to an investigation
22 or complaint, the holder shall demonstrate the following:

23 (1) what substantial effort the holder of a
24 State-issued authorization has taken to meet the
25 requirements of subsection (a) or (c) of this Section;

26 (2) which portions of subsection (g) of this Section

1 apply; and

2 (3) the number of days it has been delayed or the
3 requirements it cannot perform as a consequence of
4 subsection (g) of this Section.

5 (i) The factors in subsection (g) of this Section may be
6 considered by the Attorney General or by a court of competent
7 jurisdiction in determining whether the holder is in violation
8 of this Article.

9 (j) Every holder of a State-issued authorization, no later
10 than April 1, 2009, and annually no later than April 1
11 thereafter, shall report to the Commission for each of the
12 service areas as described in subsections (c) and (d) of this
13 Section in which it provides access to its video service in the
14 State, the following information:

15 (1) Cable service and video service information:

16 (A) The number of households in the holder's
17 telecommunications service area within each designated
18 market area as described in subsection (c) of this
19 Section or exchange or local unit of government as
20 described in subsection (d) of this Section in which
21 it offers video service.

22 (B) The number of households in the holder's
23 telecommunications service area within each designated
24 market area as described in subsection (c) of this
25 Section or exchange or local unit of government as
26 described in subsection (d) of this Section that are

1 offered access to video service by the holder.

2 (C) The number of households in the holder's
3 telecommunications service area in the State.

4 (D) The number of households in the holder's
5 telecommunications service area in the State that are
6 offered access to video service by the holder.

7 (2) Low-income household information:

8 (A) The number of low-income households in the
9 holder's telecommunications service area within each
10 designated market area as described in subsection (c)
11 of this Section, as further identified in terms of
12 exchanges, or exchange or local unit of government as
13 described in subsection (d) of this Section in which
14 it offers video service.

15 (B) The number of low-income households in the
16 holder's telecommunications service area within each
17 designated market area as described in subsection (c)
18 of this Section, as further identified in terms of
19 exchanges, or exchange or local unit of government as
20 described in subsection (d) of this Section in the
21 State that are offered access to video service by the
22 holder.

23 (C) The number of low-income households in the
24 holder's telecommunications service area in the State.

25 (D) The number of low-income households in the
26 holder's telecommunications service area in the State

1 that are offered access to video service by the
2 holder.

3 (j-5) The requirements of subsection (c) of this Section
4 shall be satisfied upon the filing of an annual report with the
5 Commission in compliance with subsection (j) of this Section,
6 including an annual report filed prior to June 28, 2013 (the
7 effective date of Public Act 98-45) ~~this amendatory Act of the~~
8 ~~98th General Assembly~~, that demonstrates the holder of the
9 authorization has satisfied the requirements of subsection (c)
10 of this Section for each of the service areas in which it
11 provides access to its cable service or video service in the
12 State. Notwithstanding the continued application of this
13 Article to the holder, upon satisfaction of the requirements
14 of subsection (c) of this Section, only the requirements of
15 subsection (a) of this Section 21-1101 of this Act and the
16 following reporting requirements shall continue to apply to
17 such holder:

18 (1) Cable service and video service information:

19 (A) The number of households in the holder's
20 telecommunications service area within each designated
21 market area in which it offers cable service or video
22 service.

23 (B) The number of households in the holder's
24 telecommunications service area within each designated
25 market area that are offered access to cable service
26 or video service by the holder.

1 (C) The number of households in the holder's
2 telecommunications service area in the State.

3 (D) The number of households in the holder's
4 telecommunications service area in the State that are
5 offered access to cable service or video service by
6 the holder.

7 (E) The exchanges or local units of government in
8 which the holder added cable service or video service
9 in the prior year.

10 (2) Low-income household information:

11 (A) The number of low-income households in the
12 holder's telecommunications service area within each
13 designated market area in which it offers video
14 service.

15 (B) The number of low-income households in the
16 holder's telecommunications service area within each
17 designated market area that are offered access to
18 video service by the holder.

19 (C) The number of low-income households in the
20 holder's telecommunications service area in the State.

21 (D) The number of low-income households in the
22 holder's telecommunications service area in the State
23 that are offered access to video service by the
24 holder.

25 (j-10) The requirements of subsection (d) of this Section
26 shall be satisfied upon the filing of an annual report with the

1 Commission in compliance with subsection (j) of this Section,
2 including an annual report filed prior to June 28, 2013 (the
3 effective date of Public Act 98-45) ~~this amendatory Act of the~~
4 ~~98th General Assembly~~, that demonstrates the holder of the
5 authorization has satisfied the requirements of subsection (d)
6 of this Section for each of the service areas in which it
7 provides access to its cable service or video service in the
8 State. Notwithstanding the continued application of this
9 Article to the holder, upon satisfaction of the requirements
10 of subsection (d) of this Section, only the requirements of
11 subsection (a) of this Section and the following reporting
12 requirements shall continue to apply to such holder:

13 (1) Cable service and video service information:

14 (A) The number of households in the holder's
15 footprint in which it offers cable service or video
16 service.

17 (B) The number of households in the holder's
18 footprint that are offered access to cable service or
19 video service by the holder.

20 (C) The exchanges or local units of government in
21 which the holder added cable service or video service
22 in the prior year.

23 (2) Low-income household information:

24 (A) The number of low-income households in the
25 holder's footprint in which it offers cable service or
26 video service.

1 (B) The number of low-income households in the
2 holder's footprint that are offered access to cable
3 service or video service by the holder.

4 (k) The Commission, within 30 days of receiving the first
5 report from holders under this Section, and annually no later
6 than July 1 thereafter, shall submit to the General Assembly a
7 report that includes, based on year-end data, the information
8 submitted by holders pursuant to subdivisions (1) and (2) of
9 subsections (j), (j-5), and (j-10) of this Section. The
10 Commission shall make this report available to any member of
11 the public or any local unit of government upon request. All
12 information submitted to the Commission and designated by
13 holders as confidential and proprietary shall be subject to
14 the disclosure provisions in subsection (c) of Section 21-401
15 of this Act. No individually identifiable customer information
16 shall be subject to public disclosure.

17 (Source: P.A. 100-20, eff. 7-1-17.)

18 Section 5-115. The Acupuncture Practice Act is amended by
19 changing Section 135 as follows:

20 (225 ILCS 2/135)

21 (Section scheduled to be repealed on January 1, 2028)

22 Sec. 135. Criminal violations. Whoever knowingly practices
23 or offers to practice acupuncture in this State without being
24 licensed for that purpose shall be guilty of a Class A

1 misdemeanor and for each subsequent conviction shall be guilty
2 of a Class 4 felony. Notwithstanding any other provision of
3 this Act, all criminal fines, moneys, or other property
4 collected or received by the Department under this Section or
5 any other State or federal statute, including but not limited
6 to property forfeited to the Department under Section 505 of
7 the Illinois Controlled Substances Act or Section 85 of the
8 Methamphetamine Control and Community Protection Act, shall be
9 deposited into the General Professions Dedicated ~~Professional~~
10 ~~Regulation Evidence~~ Fund.

11 (Source: P.A. 94-556, eff. 9-11-05.)

12 Section 5-120. The Illinois Dental Practice Act is amended
13 by changing Section 38 as follows:

14 (225 ILCS 25/38) (from Ch. 111, par. 2338)

15 (Section scheduled to be repealed on January 1, 2031)

16 Sec. 38. Penalty of unlawful practice - second and
17 subsequent offenses. Any person who practices or offers to
18 practice dentistry in this State without being licensed for
19 that purpose, or whose license has been suspended or revoked
20 or is inactive or non-renewed, or who violates any of the
21 provisions of this Act, for which no specific penalty has been
22 provided herein, is guilty of a Class A misdemeanor.

23 Any person who has been previously convicted under any of
24 the provisions of this Act and who subsequently violates any

1 of the provisions of this Act is guilty of a Class 4 felony. In
2 addition, whenever any person is punished as a subsequent
3 offender under this Section, the Secretary shall proceed to
4 obtain a permanent injunction against such person under
5 Section 37 of this Act. All fines collected under this Section
6 shall be deposited into ~~in~~ the General Professions Dedicated
7 ~~Professional Regulation Evidence~~ Fund.

8 (Source: P.A. 97-1013, eff. 8-17-12.)

9 Section 5-125. The Medical Practice Act of 1987 is amended
10 by changing Section 60 as follows:

11 (225 ILCS 60/60) (from Ch. 111, par. 4400-60)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 60. All such fines shall be deposited into ~~in~~ the
14 General Professions Dedicated ~~Professional Regulation Evidence~~
15 Fund.

16 (Source: P.A. 85-4.)

17 Section 5-130. The Naprapathic Practice Act is amended by
18 changing Section 123 as follows:

19 (225 ILCS 63/123)

20 (Section scheduled to be repealed on January 1, 2028)

21 Sec. 123. Violation; penalty. Whoever knowingly practices
22 or offers to practice naprapathy in this State without being

1 licensed for that purpose shall be guilty of a Class A
2 misdemeanor and for each subsequent conviction shall be guilty
3 of a Class 4 felony. Notwithstanding any other provision of
4 this Act, all criminal fines, moneys, or other property
5 collected or received by the Department under this Section or
6 any other State or federal statute, including, but not limited
7 to, property forfeited to the Department under Section 505 of
8 the Illinois Controlled Substances Act or Section 85 of the
9 Methamphetamine Control and Community Protection Act, shall be
10 deposited into the General Professions Dedicated ~~Professional~~
11 ~~Regulation Evidence~~ Fund.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 Section 5-135. The Nurse Practice Act is amended by
14 changing Section 70-75 as follows:

15 (225 ILCS 65/70-75) (was 225 ILCS 65/20-75)

16 (Section scheduled to be repealed on January 1, 2028)

17 Sec. 70-75. Injunctive remedies.

18 (a) If any person violates the provision of this Act, the
19 Secretary may, in the name of the People of the State of
20 Illinois, through the Attorney General of the State of
21 Illinois, or the State's Attorney of any county in which the
22 action is brought, petition for an order enjoining such
23 violation or for an order enforcing compliance with this Act.
24 Upon the filing of a petition in court, the court may issue a

1 temporary restraining order, without notice or bond, and may
2 preliminarily and permanently enjoin such violation, and if it
3 is established that such person has violated or is violating
4 the injunction, the court may punish the offender for contempt
5 of court. Proceedings under this Section shall be in addition
6 to, and not in lieu of, all other remedies and penalties
7 provided by this Act.

8 (b) If any person shall practice as a nurse or hold herself
9 or himself out as a nurse without being licensed under the
10 provisions of this Act, then any licensed nurse, any
11 interested party, or any person injured thereby may, in
12 addition to the Secretary, petition for relief as provided in
13 subsection (a) of this Section.

14 (b-5) Whoever knowingly practices or offers to practice
15 nursing in this State without a license for that purpose shall
16 be guilty of a Class A misdemeanor and for each subsequent
17 conviction, shall be guilty of a Class 4 felony. All criminal
18 fines, moneys ~~monies~~, or other property collected or received
19 by the Department under this Section or any other State or
20 federal statute, including, but not limited to, property
21 forfeited to the Department under Section 505 of the Illinois
22 Controlled Substances Act or Section 85 of the Methamphetamine
23 Control and Community Protection Act, shall be deposited into
24 the General Professions Dedicated ~~Professional Regulation~~
25 ~~Evidence~~ Fund.

26 (c) Whenever in the opinion of the Department any person

1 violates any provision of this Act, the Department may issue a
2 rule to show cause why an order to cease and desist should not
3 be entered against him. The rule shall clearly set forth the
4 grounds relied upon by the Department and shall provide a
5 period of 7 days from the date of the rule to file an answer to
6 the satisfaction of the Department. Failure to answer to the
7 satisfaction of the Department shall cause an order to cease
8 and desist to be issued forthwith.

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

10 Section 5-140. The Podiatric Medical Practice Act of 1987
11 is amended by changing Section 41 as follows:

12 (225 ILCS 100/41) (from Ch. 111, par. 4841)

13 (Section scheduled to be repealed on January 1, 2028)

14 Sec. 41. Violations. Any person who is found to have
15 violated any provisions of this Act is guilty of a Class A
16 misdemeanor. All criminal fines, moneys ~~monies~~, or other
17 property collected or received by the Department under this
18 Section or any other State or federal statute, including, but
19 not limited to, property forfeited to the Department under
20 Section 505 of the Illinois Controlled Substances Act or
21 Section 85 of the Methamphetamine Control and Community
22 Protection Act, shall be deposited into the General
23 Professions Dedicated ~~Professional Regulation Evidence~~ Fund.

24 The Board, with the advice of the Secretary and attorneys

1 for the Department, may establish by rule a schedule of fines
2 payable by those who have violated any provisions of this Act.

3 Fines assessed and collected for violations of this Act
4 shall be deposited into ~~in~~ the Illinois State Podiatric
5 Medical Disciplinary Fund.

6 (Source: P.A. 94-556, eff. 9-11-05; 95-235, eff. 8-17-07.)

7 Section 5-145. The Veterinary Medicine and Surgery
8 Practice Act of 2004 is amended by changing Sections 25.16 and
9 25.18 as follows:

10 (225 ILCS 115/25.16) (from Ch. 111, par. 7025.16)

11 (Section scheduled to be repealed on January 1, 2029)

12 Sec. 25.16. Any person who is found to have violated any
13 provision of this Act is guilty of a Class A misdemeanor for
14 the first offense. On conviction of a second or subsequent
15 offense, the violator shall be guilty of a Class 4 felony. All
16 criminal fines, moneys ~~monies~~, or other property collected or
17 received by the Department under this Section or any other
18 State or federal statute, including, but not limited to,
19 property forfeited to the Department under Section 505 of the
20 Illinois Controlled Substances Act or Section 85 of the
21 Methamphetamine Control and Community Protection Act, shall be
22 deposited into the General Professions Dedicated ~~Professional~~
23 ~~Regulation-Evidence~~ Fund.

24 (Source: P.A. 98-339, eff. 12-31-13.)

1 (225 ILCS 115/25.18)

2 (Section scheduled to be repealed on January 1, 2029)

3 Sec. 25.18. Civil penalties for unlicensed practice.

4 (a) In addition to any other penalty provided by law, any
5 person who violates Section 5 of this Act or any other
6 provision of this Act shall, in addition to any other penalty
7 provided by law, pay a civil penalty to the Department in an
8 amount not to exceed \$10,000 for each offense as determined by
9 the Department and the assessment of costs as provided for in
10 Section 25.3. The civil penalty shall be assessed by the
11 Department after a hearing is held in accordance with the
12 provisions set forth in this Act.

13 (b) The Department has the authority and power to
14 investigate any and all unlicensed activity.

15 (c) The civil penalty shall be paid within 60 days after
16 the effective date of the order imposing the civil penalty.
17 The order shall constitute a judgment and may be filed and
18 execution had thereon in the same manner as any judgment from
19 any court of record.

20 (d) All moneys ~~monies~~ collected under this Section shall
21 be deposited into the General Professions Dedicated
22 ~~Professional Regulation Evidence~~ Fund.

23 (Source: P.A. 98-339, eff. 12-31-13.)

24 Section 5-150. The Wholesale Drug Distribution Licensing

1 Act is amended by changing Section 170 as follows:

2 (225 ILCS 120/170) (from Ch. 111, par. 8301-170)

3 (Section scheduled to be repealed on January 1, 2028)

4 Sec. 170. Penalties. Any person who is found to have
5 violated any provision of this Act is guilty of a Class A
6 misdemeanor. On conviction of a second or subsequent offense,
7 the violator shall be guilty of a Class 4 felony. All criminal
8 fines, moneys ~~monies~~, or property collected or received by the
9 Department under this Section or any other State or federal
10 statute, including, but not limited to, property forfeited to
11 the Department under Section 505 of the Illinois Controlled
12 Substances Act or Section 85 of the Methamphetamine Control
13 and Community Protection Act, shall be deposited into the
14 General Professions Dedicated ~~Professional Regulation Evidence~~
15 Fund.

16 (Source: P.A. 94-556, eff. 9-11-05.)

17 Section 5-155. The Illinois Food, Drug and Cosmetic Act is
18 amended by changing Section 22.4 as follows:

19 (410 ILCS 620/22.4) (from Ch. 56 1/2, par. 522.4)

20 Sec. 22.4. Food and Drug Safety Fund. There is created in
21 the State treasury ~~Treasury~~ a special fund to be known as the
22 Food and Drug Safety Fund. All subscription, fine, and permit
23 fees, certificate fees, and other moneys collected by the

1 Department of Public Health under this Act and, beginning July
2 1, 2027, the Safe Bottled Water Act shall be deposited into the
3 Fund. Subject to appropriation by the General Assembly, moneys
4 deposited into this Fund shall be made available to the
5 Department of Public Health to administer Department
6 activities related to food safety, drug safety, milk safety,
7 bottled water safety, or drug product selection. All interest
8 that accrues on the moneys in the Fund shall be deposited into
9 the Fund.

10 (Source: P.A. 92-769, eff. 1-1-03.)

11 Section 5-160. The Safe Bottled Water Act is amended by
12 changing Section 35 as follows:

13 (410 ILCS 655/35)

14 Sec. 35. Safe Bottled Water Fund. The Safe Bottled Water
15 Fund is established as a special fund in the State treasury.
16 All moneys received by the Department under this Act shall be
17 deposited into the fund. Moneys in the fund shall be used by
18 the Department, upon appropriation, for the purpose of
19 administering this Act.

20 Notwithstanding any other provision of law, in addition to
21 any other transfers that may be provided by law, on July 1,
22 2027 or as soon thereafter as practical, the State Comptroller
23 shall direct and the State Treasurer shall transfer the
24 remaining balance from the Safe Bottled Water Fund into the

1 Food and Drug Safety Fund. Upon completion of the transfers,
2 the Safe Bottled Water Fund is dissolved, and any future
3 deposits due to that Fund and any outstanding obligations or
4 liabilities of that Fund pass to the Food and Drug Safety Fund.

5 This Section is repealed on January 1, 2028.

6 (Source: P.A. 93-866, eff. 1-1-05.)

7 Section 5-165. The Fish and Aquatic Life Code is amended
8 by changing Section 20-45 as follows:

9 (515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

10 Sec. 20-45. License fees for residents. Fees for licenses
11 for residents of the State of Illinois shall be as follows:

12 (a) Except as otherwise provided in this Section, for
13 sport fishing devices as defined in Section 10-95 or
14 spearing devices as defined in Section 10-110, the fee is
15 \$14.50 for individuals 16 to 64 years old, one-half of the
16 current fishing license fee for individuals age 65 or
17 older, and, commencing with the 2012 license year,
18 one-half of the current fishing license fee for resident
19 veterans of the United States Armed Forces after returning
20 from service abroad or mobilization by the President of
21 the United States as an active duty member of the United
22 States Armed Forces, the Illinois National Guard, or the
23 Reserves of the United States Armed Forces. Veterans must
24 provide to the Department acceptable verification of their

1 service. The Department shall establish by administrative
2 rule the procedure by which such verification of service
3 shall be made to the Department for the purpose of issuing
4 fishing licenses to resident veterans at a reduced fee.

5 (a-3) Except as otherwise provided in this Section,
6 for sport fishing devices as defined in Section 10-95 or
7 spearing devices as defined in Section 10-110, residents
8 of this State may obtain a 3-year fishing license. The fee
9 for a 3-year fishing license is 3 times the annual fee. For
10 residents age 65 or older, the fee is one half of the fee
11 charged for a 3-year fishing license. For resident
12 veterans of the United States Armed Forces after returning
13 from service abroad or mobilization by the President of
14 the United States, the fee is one-half of the fee charged
15 for a 3-year fishing license. Veterans must provide to the
16 Department, per administrative rule, verification of their
17 service. The Department shall establish what constitutes
18 suitable verification of service for the purpose of
19 issuing 3-year fishing licenses to resident veterans at a
20 reduced fee.

21 (a-5) The fee for all sport fishing licenses shall be
22 \$1 for an annual license and 3 times the annual fee for a
23 3-year license for residents over 75 years of age.

24 (b) All residents before using any commercial fishing
25 device shall obtain a commercial fishing license, the fee
26 for which shall be \$60~~0~~ and a resident fishing license,

1 the fee for which is \$14.50. Each and every commercial
2 device used shall be licensed by a resident commercial
3 fisherman as follows:

4 (1) For each 100 lineal yards, or fraction
5 thereof, of seine the fee is \$18. For each minnow
6 seine, minnow trap, or net for commercial purposes the
7 fee is \$20.

8 (2) For each device to fish with a 100 hook trot
9 line device, basket trap, hoop net, or dip net the fee
10 is \$3.

11 (3) When used in the waters of Lake Michigan, for
12 the first 2000 lineal feet, or fraction thereof, of
13 gill net the fee is \$10; and for each 1000 additional
14 lineal feet, or fraction thereof, the fee is \$10.
15 These fees shall apply to all gill nets in use in the
16 water or on drying reels on the shore.

17 (4) For each 100 lineal yards, or fraction
18 thereof, of gill net or trammel net the fee is \$18.

19 (c) Residents of this State may obtain a sportsmen's
20 combination license that shall entitle the holder to the
21 same non-commercial fishing privileges as residents
22 holding a license as described in subsection (a) of this
23 Section and to the same hunting privileges as residents
24 holding a license to hunt all species as described in
25 Section 3.1 of the Wildlife Code. No sportsmen's
26 combination license shall be issued to any individual who

1 would be ineligible for either the fishing or hunting
2 license separately. The sportsmen's combination license
3 fee shall be \$25.50. For residents age 65 or older, the fee
4 is one-half of the fee charged for a sportsmen's
5 combination license. For resident veterans of the United
6 States Armed Forces after returning from service abroad or
7 mobilization by the President of the United States as an
8 active duty member of the United States Armed Forces, the
9 Illinois National Guard, or the Reserves of the United
10 States Armed Forces, the fee, commencing with the 2012
11 license year, is one-half of the fee charged for a
12 sportsmen's combination license. Veterans must provide to
13 the Department acceptable verification of their service.
14 The Department shall establish by administrative rule the
15 procedure by which such verification of service shall be
16 made to the Department for the purpose of issuing
17 sportsmen's combination licenses to resident veterans at a
18 reduced fee.

19 (c-5) Residents of this State may obtain a 3-year
20 sportsmen's combination license that shall entitle the
21 holder to the same non-commercial fishing privileges as
22 residents holding a license as described in subsection
23 (a-3) and to the same hunting privileges as residents
24 holding a license to hunt all species as described in
25 Section 3.1 of the Wildlife Code. A 3-year sportsmen's
26 combination license shall not be issued to any individual

1 who would be ineligible for either the fishing or hunting
2 license separately. The 3-year sportsmen's combination
3 license fee shall be 3 times the annual fee. For residents
4 age 65 or older, the fee is one-half of the fee charged for
5 a 3-year sportsmen's combination license. For resident
6 veterans of the United States Armed Forces after returning
7 from service abroad or mobilization by the President of
8 the United States, the fee is one-half of the fee charged
9 for a 3-year sportsmen's combination license. Veterans
10 must provide to the Department, per administrative rule,
11 verification of their service. The Department shall
12 establish what constitutes suitable verification of
13 service for the purpose of issuing 3-year sportsmen's
14 combination licenses to resident veterans at a reduced
15 fee.

16 (d) For 24 hours of fishing by sport fishing devices
17 as defined in Section 10-95 or by spearing devices as
18 defined in Section 10-110 the fee is \$5. This license does
19 not exempt the licensee from the requirement for a salmon
20 or inland trout stamp. The licenses provided for by this
21 subsection are not required for residents of the State of
22 Illinois who have obtained the license provided for in
23 subsection (a) or (a-3) of this Section.

24 (e) All residents before using any commercial mussel
25 device shall obtain a commercial mussel license, the fee
26 for which shall be \$50.

1 (f) Residents of this State, upon establishing
2 residency as required by the Department, may obtain a
3 lifetime hunting or fishing license or lifetime
4 sportsmen's combination license which shall entitle the
5 holder to the same non-commercial fishing privileges as
6 residents holding a license as described in subsection
7 ~~paragraph~~ (a) of this Section and to the same hunting
8 privileges as residents holding a license to hunt all
9 species as described in Section 3.1 of the Wildlife Code.
10 No lifetime sportsmen's combination license shall be
11 issued to or retained by any individual who would be
12 ineligible for either the fishing or hunting license
13 separately, either upon issuance, or in any year a
14 violation would subject an individual to have either or
15 both fishing or hunting privileges rescinded. The lifetime
16 hunting and fishing license fees shall be as follows:

17 (1) Lifetime fishing: 30 x the current fishing
18 license fee.

19 (2) Lifetime hunting: 30 x the current hunting
20 license fee.

21 (3) Lifetime sportsmen's combination license: 30 x
22 the current sportsmen's combination license fee.

23 Lifetime licenses shall not be refundable. A \$10 fee shall
24 be charged for reissuing any lifetime license. The Department
25 may establish rules and regulations for the issuance and use
26 of lifetime licenses and may suspend or revoke any lifetime

1 license issued under this Section for violations of those
2 rules or regulations or other provisions under this Code or
3 the Wildlife Code, or a violation of the United States Code
4 that involves the taking, possessing, killing, harvesting,
5 transportation, selling, exporting, or importing any fish or
6 aquatic life protected by this Code or the taking, possessing,
7 killing, harvesting, transportation, selling, exporting, or
8 importing any fauna protected by the Wildlife Code when any
9 part of the United States Code violation occurred in Illinois.
10 Individuals under 16 years of age who possess a lifetime
11 hunting or sportsmen's combination license shall have in their
12 possession, while in the field, a certificate of competency as
13 required under Section 3.2 of the Wildlife Code. Any lifetime
14 license issued under this Section shall not exempt individuals
15 from obtaining additional stamps or permits required under the
16 provisions of this Code or the Wildlife Code. Individuals
17 required to purchase additional stamps shall sign the stamps
18 and have them in their possession while fishing or hunting
19 with a lifetime license. All fees received from the issuance
20 of lifetime licenses shall be deposited into ~~in~~ the Wildlife
21 and Fish and Wildlife Endowment Fund.

22 Except for licenses issued under subsection (e) of this
23 Section, all licenses provided for in this Section shall
24 expire on March 31 of each year, except that the license
25 provided for in subsection (d) of this Section shall expire 24
26 hours after the effective date and time listed on the face of

1 the license. Licenses issued under subsection (a-3) or (c-5)
2 shall expire on March 31 of the 2nd year after the year in
3 which the license is issued.

4 The Department shall by administrative rule provide for
5 the automatic renewal of a fishing license upon the request of
6 the applicant.

7 All individuals required to have and failing to have the
8 license provided for in subsection (a), (a-3), or (d) of this
9 Section shall be fined according to the provisions of Section
10 20-35 of this Code.

11 All individuals required to have and failing to have the
12 licenses provided for in subsections (b) and (e) of this
13 Section shall be guilty of a Class B misdemeanor.

14 (g) For the purposes of this Section, "acceptable
15 verification" means official documentation from the Department
16 of Defense or the appropriate Major Command showing
17 mobilization dates or service abroad dates, including: (i) a
18 DD-214, (ii) a letter from the Illinois Department of Military
19 Affairs for members of the Illinois National Guard, (iii) a
20 letter from the Regional Reserve Command for members of the
21 Armed Forces Reserve, (iv) a letter from the Major Command
22 covering Illinois for active duty members, (v) personnel
23 records for mobilized State employees, and (vi) any other
24 documentation that the Department, by administrative rule,
25 deems acceptable to establish dates of mobilization or service
26 abroad.

1 For the purposes of this Section, the term "service
2 abroad" means active duty service outside of the 50 United
3 States and the District of Columbia, and includes all active
4 duty service in territories and possessions of the United
5 States.

6 (Source: P.A. 102-780, eff. 5-13-22; 102-837, eff. 5-13-22;
7 103-154, eff. 6-30-23; 103-456, eff. 1-1-24; revised 7-3-25.)

8 Section 5-170. The Roadside Memorial Act is amended by
9 changing Section 20 as follows:

10 (605 ILCS 125/20)

11 Sec. 20. DUI memorial markers.

12 (a) A DUI memorial marker erected before July 1, 2021
13 shall consist of a white on blue panel bearing the message
14 "Please Don't Drink and Drive". A DUI memorial marker erected
15 on or after July 1, 2021 shall consist of a white on blue panel
16 bearing the message "Don't Drive Under the Influence". At the
17 request of the qualified relative, a separate panel bearing
18 the words "In Memory of (victim's name)", followed by the date
19 of the crash that was the proximate cause of the loss of the
20 victim's life, shall be mounted below the primary panel.
21 Public Act 102-60 ~~This amendatory Act of the 102nd General~~
22 ~~Assembly~~ does not require the removal or replacement of any
23 memorial markers erected before July 1, 2021.

24 (b) A DUI memorial marker may memorialize more than one

1 victim who died as a result of the same DUI-related crash. If
2 one or more additional DUI crash deaths subsequently occur in
3 close proximity to an existing DUI memorial marker, the
4 supporting jurisdiction may use the same marker to memorialize
5 the subsequent death or deaths, by adding the names of the
6 additional persons.

7 (c) A DUI memorial marker shall be maintained for at least
8 4 years from the date the last person was memorialized on the
9 marker.

10 (d) The supporting jurisdiction has the right to install a
11 marker at a location other than the location of the crash or to
12 relocate a marker due to restricted room, property owner
13 complaints, interference with essential traffic control
14 devices, safety concerns, or other restrictions. In such
15 cases, the sponsoring jurisdiction may select an alternate
16 location.

17 (e) The Department shall secure the consent of any
18 municipality before placing a DUI memorial marker within the
19 corporate limits of the municipality.

20 (f) A fee in an amount to be determined by the supporting
21 jurisdiction ~~may be paid in whole or in part from the Roadside~~
22 ~~Memorial Fund if moneys are made available by the Department~~
23 ~~of Transportation from that Fund or~~ may be charged to the
24 qualified relative ~~to the extent moneys from that Fund are not~~
25 ~~made available~~. The fee shall not exceed the costs associated
26 with the fabrication, installation, and maintenance of the DUI

1 memorial marker.

2 (Source: P.A. 102-60, eff. 7-9-21; 103-82, eff. 1-1-24.)

3 Section 5-175. The Illinois Aeronautics Act is amended by
4 changing Section 78 as follows:

5 (620 ILCS 5/78) (from Ch. 15 1/2, par. 22.78)

6 Sec. 78. Aeronautics Fund. All moneys hereafter received
7 by this State, or by the Department for and on its behalf,
8 under any of the laws of this State pertaining to aeronautics,
9 including, without limiting the generality of the foregoing,
10 all moneys obtained for certificates, permits or licenses,
11 except those funds which are held by the State Treasurer as
12 ex-officio custodian under the provisions of Section 40, shall
13 be deposited into ~~in~~ the State treasury and set apart as a
14 special fund to be known as the Aeronautics Fund. The
15 Aeronautics Fund shall be used, subject to appropriations made
16 from time to time, only for such purposes as may be specified
17 under the laws, if any, of the United States, heretofore or
18 hereafter enacted or amended, providing for federal aid in the
19 establishment of public airports, and otherwise only for the
20 regulation and supervision of aeronautics in this State, and
21 the administration and enforcement of the laws of this State
22 pertaining to aeronautics. Beginning in State fiscal year
23 2028, subject to appropriation, the Aeronautics Fund may also
24 be used for equipment, personnel, operational expenses and

1 such other expenses incident to providing air transportation
2 for officers, departments or agencies of the State government.

3 (Source: Laws 1957, p. 2331.)

4 Section 5-180. The Illinois Vehicle Code is amended by
5 changing Section 3-679 as follows:

6 (625 ILCS 5/3-679)

7 Sec. 3-679. Law Enforcement Torch Run For Special Olympics
8 license plates.

9 (a) The Secretary, upon receipt of an application made in
10 the form prescribed by the Secretary of State, may issue
11 special registration plates designated to be Law Enforcement
12 Torch Run For Special Olympics license plates. The special
13 plates issued under this Section shall be affixed only to
14 passenger vehicles of the first division, motorcycles,
15 autocycles, motor vehicles of the second division weighing not
16 more than 8,000 pounds, and recreational vehicles as defined
17 by Section 1-169 of this Code. Plates issued under this
18 Section shall expire according to the multi-year procedure
19 established by Section 3-414.1 of this Code.

20 (b) The design and color of the plates shall be wholly
21 within the discretion of the Secretary of State. Appropriate
22 documentation, as determined by the Secretary, shall accompany
23 the application. The Secretary may, in his or her discretion,
24 allow the plates to be issued as vanity or personalized plates

1 in accordance with Section 3-405.1 of this Code.

2 (c) An applicant shall be charged a \$45 fee for original
3 issuance in addition to the appropriate registration fee, if
4 applicable. Of this fee, \$30 shall be deposited into the
5 Special Olympics Illinois and Special Children's Charities
6 Fund and \$15 shall be deposited into the Secretary of State
7 Special License Plate Fund. For each registration renewal
8 period, a \$27 fee, in addition to the appropriate registration
9 fee, shall be charged. Of this fee, \$25 shall be deposited into
10 the Special Olympics Illinois and Special Children's Charities
11 Fund and \$2 shall be deposited into the Secretary of State
12 Special License Plate Fund.

13 (Source: P.A. 103-843, eff. 1-1-25.)

14 Section 5-185. The Cycle Rider Safety Training Act is
15 amended by changing Sections 6 and 7 as follows:

16 (625 ILCS 35/6) (from Ch. 95 1/2, par. 806)

17 Sec. 6. To finance the Cycle Rider Safety Training program
18 and to pay the costs thereof, the Secretary of State shall ~~will~~
19 hereafter deposit amounts ~~with the State Treasurer an amount~~
20 ~~equal to each annual fee and each reduced fee, for the~~
21 ~~registration of each motorcycle, motor driven cycle and moped~~
22 ~~processed by the Office of the Secretary of State during the~~
23 ~~preceding quarter~~ as required in subsection (d) of Section
24 2-119 of the Illinois Vehicle Code and subsection (c) of

1 ~~Section 6-118 of the Illinois Vehicle Code into, which amount~~
2 ~~the State Comptroller shall transfer quarterly to~~ a trust fund
3 outside of the State treasury to be known as the Cycle Rider
4 Safety Training Fund, which is hereby created. In addition,
5 the Department may accept any federal, State, or private
6 moneys for deposit into the Fund and shall be used by the
7 Department only for the expenses of the Department in
8 administering the provisions of this Act, for funding of
9 contracts with approved Regional Cycle Rider Safety Training
10 Centers for the conduct of courses, or for any purpose related
11 or incident thereto and connected therewith.

12 (Source: P.A. 96-554, eff. 1-1-10.)

13 (625 ILCS 35/7) (from Ch. 95 1/2, par. 807)

14 Sec. 7. The Department is authorized to and shall award
15 contracts out of appropriations to the Department from the
16 ~~"the Cycle Rider Safety Training Fund"~~ to qualifying providers
17 for the conduct of approved Cycle Rider Safety Training
18 courses.

19 (Source: P.A. 104-408, eff. 1-1-26.)

20 Section 5-190. The DUI Prevention and Education Commission
21 Act is amended by changing Section 20 as follows:

22 (625 ILCS 70/20)

23 Sec. 20. DUI Prevention and Education Fund; transfer of

1 funds.

2 (a) The DUI Prevention and Education Fund is created as a
3 special fund in the State treasury. Subject to appropriation,
4 all moneys in the DUI Prevention and Education Fund shall be
5 distributed by the Department of Transportation with approval
6 from the DUI Prevention and Education Commission for crash
7 victim programs and materials, impaired driving prevention
8 programs, law enforcement support, and other DUI-related
9 programs.

10 (b) As soon as practical after January 1, 2020 (the
11 effective date of Public Act 101-196) ~~this Act~~, the State
12 Comptroller shall direct and the State Treasurer shall
13 transfer any remaining balance in excess of \$30,000 from the
14 Roadside Memorial Fund to the DUI Prevention and Education
15 Fund. Starting in 2021 and continuing through 2025 ~~every year~~
16 ~~after~~, the cash balance in the Roadside Memorial Fund on June
17 30 shall be transferred to the DUI Prevention and Education
18 Fund as soon as practical. On the effective date of the changes
19 made to this Section by this amendatory Act of the 104th
20 General Assembly or as soon thereafter as practical, the State
21 Comptroller shall direct and the State Treasurer shall
22 transfer the remaining balance from the Roadside Memorial Fund
23 into the DUI Prevention and Education Fund. Upon completion of
24 the transfer, the Roadside Memorial Fund is dissolved, and any
25 future deposits due to that Fund and any outstanding
26 obligations or liabilities of that Fund shall pass to the DUI

1 Prevention and Education Fund.

2 (Source: P.A. 102-60, eff. 7-9-21; 103-1047, eff. 1-1-25.)

3 Section 5-195. The Unified Code of Corrections is amended
4 by changing Sections 5-9-1.7 and 5-9-1.22 as follows:

5 (730 ILCS 5/5-9-1.7)

6 Sec. 5-9-1.7. Sexual assault fines.

7 (a) Definitions. The terms used in this Section shall have
8 the following meanings ascribed to them:

9 (1) "Sexual assault" means the commission or attempted
10 commission of the following: sexual exploitation of a
11 child, criminal sexual assault, predatory criminal sexual
12 assault of a child, aggravated criminal sexual assault,
13 criminal sexual abuse, aggravated criminal sexual abuse,
14 indecent solicitation of a child, public indecency, sexual
15 relations within families, promoting commercial sexual
16 exploitation of a child, soliciting for a sexually
17 exploited child, keeping a place of commercial sexual
18 exploitation of a child, patronizing a sexually exploited
19 child, juvenile pimping, exploitation of a child,
20 obscenity, child sexual abuse material, aggravated child
21 pornography, harmful material, or ritualized abuse of a
22 child, as those offenses are defined in the Criminal Code
23 of 1961 or the Criminal Code of 2012.

24 (2) (Blank).

1 (3) "Sexual assault organization" means any
2 not-for-profit organization providing comprehensive,
3 community-based services to victims of sexual assault.
4 "Community-based services" include, but are not limited
5 to, direct crisis intervention through a 24-hour response,
6 medical and legal advocacy, counseling, information and
7 referral services, training, and community education.

8 (b) (Blank).

9 (c) Sexual Assault Services Fund; administration. There is
10 created in the State treasury a special fund known as the
11 Sexual Assault Services Fund. Moneys deposited into the Fund
12 under Sections 15-20, 15-40, and 15-70 of the Criminal and
13 Traffic Assessment Act ~~and Section 6b-4 of the State Finance~~
14 ~~Act~~ shall be expended as provided in Section 10-5 of the
15 Criminal and Traffic Assessment Act.

16 (Source: P.A. 103-1071, eff. 7-1-25; 104-2, eff. 6-16-25;
17 104-245, eff. 1-1-26; revised 11-21-25.)

18 (730 ILCS 5/5-9-1.22)

19 Sec. 5-9-1.22. Fee; DUI Prevention and Education ~~Roadside~~
20 ~~Memorial~~ Fund. A person who is convicted or receives a
21 disposition of court supervision for a violation of Section
22 11-501 of the Illinois Vehicle Code shall, in addition to any
23 other disposition, penalty, or fine imposed, pay a fee of \$50
24 which shall be collected by the clerk of the court and then
25 remitted to the State Treasurer for deposit into the DUI

1 ~~Prevention and Education Fund Roadside Memorial Fund, a~~
2 ~~special fund that is created in the State treasury.~~ However,
3 the court may waive the fee if full restitution is complied
4 with. ~~Subject to appropriation, all moneys in the Roadside~~
5 ~~Memorial Fund shall be used by the Department of~~
6 ~~Transportation to pay fees imposed under subsection (f) of~~
7 ~~Section 20 of the Roadside Memorial Act.~~

8 Prior to the changes made by this amendatory Act of the
9 104th General Assembly, this This Section is substantially the
10 same as Section 5-9-1.18 of the Unified Code of Corrections,
11 which Section was repealed by Public Act 100-987, and shall be
12 construed as a continuation of the fee established by that
13 prior law, and not as a new or different fee.

14 (Source: P.A. 101-10, eff. 6-5-19; 102-278, eff. 8-6-21.)

15 (765 ILCS 77/80 rep.)

16 Section 5-200. The Residential Real Property Disclosure
17 Act is amended by repealing Section 80.

18 Section 5-205. The Prevailing Wage Act is amended by
19 changing Section 2 as follows:

20 (820 ILCS 130/2)

21 Sec. 2. This Act applies to the wages of laborers,
22 mechanics, and other workers employed in any public works, as
23 hereinafter defined, by any public body and to anyone under

1 contracts for public works. This includes any maintenance,
2 repair, assembly, or disassembly work performed on equipment
3 whether owned, leased, or rented.

4 As used in this Act, unless the context indicates
5 otherwise:

6 "Public works" means all fixed works constructed or
7 demolished by any public body, or paid for wholly or in part
8 out of public funds. "Public works" as defined herein includes
9 all projects financed in whole or in part with bonds, grants,
10 loans, or other funds made available by or through the State or
11 any of its political subdivisions, including, but not limited
12 to: bonds issued under the Industrial Project Revenue Bond Act
13 (Article 11, Division 74 of the Illinois Municipal Code), the
14 Industrial Building Revenue Bond Act, the Illinois Finance
15 Authority Act, the Illinois Sports Facilities Authority Act,
16 or the Build Illinois Bond Act; loans or other funds made
17 available pursuant to the Build Illinois Act; ~~loans or other~~
18 ~~funds made available pursuant to the Riverfront Development~~
19 ~~Fund under Section 10-15 of the River Edge Redevelopment Zone~~
20 ~~Act,~~ or funds from the Fund for Illinois' Future under Section
21 6z-47 of the State Finance Act, funds for school construction
22 under Section 5 of the General Obligation Bond Act, funds
23 authorized under Section 3 of the School Construction Bond
24 Act, funds for school infrastructure under Section 6z-45 of
25 the State Finance Act, and funds for transportation purposes
26 under Section 4 of the General Obligation Bond Act. "Public

works" also includes all federal construction projects administered or controlled by a public body if the prevailing rate of wages is equal to or greater than the prevailing wage determination by the United States Secretary of Labor for the same locality for the same type of construction used to classify the federal construction project. "Public works" also includes (i) all projects financed in whole or in part with funds from the Environmental Protection Agency under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement; (ii) all work performed pursuant to a public private agreement under the Public Private Agreements for the Illiana Expressway Act or the Public-Private Agreements for the South Suburban Airport Act; (iii) all projects undertaken under a public-private agreement under the Public-Private Partnerships for Transportation Act or the Department of Natural Resources World Shooting and Recreational Complex Act; and (iv) all transportation facilities undertaken under a design-build contract or a Construction Manager/General Contractor contract under the Innovations for Transportation Infrastructure Act. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act, the

1 construction of a new utility-scale solar power facility by a
2 business designated as a High Impact Business under Section
3 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act, the
4 construction of a new battery energy storage solution facility
5 by a business designated as a High Impact Business under
6 Section 5.5(a)(3)(I) of the Illinois Enterprise Zone Act, and
7 the construction of a high voltage direct current converter
8 station by a business designated as a High Impact Business
9 under Section 5.5(a)(3)(J) of the Illinois Enterprise Zone
10 Act. "Public works" also includes electric vehicle charging
11 station projects financed pursuant to the Electric Vehicle Act
12 and renewable energy projects required to pay the prevailing
13 wage pursuant to the Illinois Power Agency Act. "Public works"
14 also includes power washing projects by a public body or paid
15 for wholly or in part out of public funds in which steam or
16 pressurized water, with or without added abrasives or
17 chemicals, is used to remove paint or other coatings, oils or
18 grease, corrosion, or debris from a surface or to prepare a
19 surface for a coating. "Public works" also includes all
20 electric transmission systems projects subject to the Electric
21 Transmission Systems Construction Standards Act. "Public
22 works" does not include work done directly by any public
23 utility company, whether or not done under public supervision
24 or direction, or paid for wholly or in part out of public
25 funds. "Public works" also includes construction projects
26 performed by a third party contracted by any public utility,

1 as described in subsection (a) of Section 2.1, in public
2 rights-of-way, as defined in Section 21-201 of the Public
3 Utilities Act, whether or not done under public supervision or
4 direction, or paid for wholly or in part out of public funds.
5 "Public works" also includes construction projects that exceed
6 15 aggregate miles of new fiber optic cable, performed by a
7 third party contracted by any public utility, as described in
8 subsection (b) of Section 2.1, in public rights-of-way, as
9 defined in Section 21-201 of the Public Utilities Act, whether
10 or not done under public supervision or direction, or paid for
11 wholly or in part out of public funds. "Public works" also
12 includes any corrective action performed pursuant to Title XVI
13 of the Environmental Protection Act for which payment from the
14 Underground Storage Tank Fund is requested. "Public works"
15 also includes all construction projects involving fixtures or
16 permanent attachments affixed to light poles that are owned by
17 a public body, including street light poles, traffic light
18 poles, and other lighting fixtures, whether or not done under
19 public supervision or direction, or paid for wholly or in part
20 out of public funds, unless the project is performed by
21 employees employed directly by the public body. "Public works"
22 also includes work performed subject to the Mechanical
23 Insulation Energy and Safety Assessment Act. "Public works"
24 also includes the removal, hauling, and transportation of
25 biosolids, lime sludge, and lime residue from a water
26 treatment plant or facility and the disposal of biosolids,

1 lime sludge, and lime residue removed from a water treatment
2 plant or facility at a landfill. "Public works" also includes
3 sewer inspection projects that use a closed-circuit television
4 to identify issues in a sewer system, such as cracks in pipes,
5 root intrusion, blockages, or other structural damage. "Public
6 works" does not include projects undertaken by the owner at an
7 owner-occupied single-family residence or at an owner-occupied
8 unit of a multi-family residence. "Public works" does not
9 include work performed for soil and water conservation
10 purposes on agricultural lands, whether or not done under
11 public supervision or paid for wholly or in part out of public
12 funds, done directly by an owner or person who has legal
13 control of those lands.

14 "Construction" means all work on public works involving
15 laborers, workers or mechanics. This includes any maintenance,
16 repair, assembly, or disassembly work performed on equipment
17 whether owned, leased, or rented.

18 "Locality" means the county where the physical work upon
19 public works is performed, except (1) that if there is not
20 available in the county a sufficient number of competent
21 skilled laborers, workers and mechanics to construct the
22 public works efficiently and properly, "locality" includes any
23 other county nearest the one in which the work or construction
24 is to be performed and from which such persons may be obtained
25 in sufficient numbers to perform the work and (2) that, with
26 respect to contracts for highway work with the Department of

1 Transportation of this State, "locality" may at the discretion
2 of the Secretary of the Department of Transportation be
3 construed to include two or more adjacent counties from which
4 workers may be accessible for work on such construction.

5 "Public body" means the State or any officer, board or
6 commission of the State or any political subdivision or
7 department thereof, or any institution supported in whole or
8 in part by public funds, and includes every county, city,
9 town, village, township, school district, irrigation, utility,
10 reclamation improvement or other district and every other
11 political subdivision, district or municipality of the state
12 whether such political subdivision, municipality or district
13 operates under a special charter or not.

14 "Labor organization" means an organization that is the
15 exclusive representative of an employer's employees recognized
16 or certified pursuant to the National Labor Relations Act.

17 The terms "general prevailing rate of hourly wages",
18 "general prevailing rate of wages" or "prevailing rate of
19 wages" when used in this Act mean the hourly cash wages plus
20 full journeyman annualized fringe benefits for training and
21 apprenticeship programs registered with the Office of
22 Apprenticeship within the U.S. Department of Labor's
23 Employment and Training Administration with full journeymen
24 annualized fringe benefits for health and welfare, insurance,
25 vacations, and pensions paid generally, in the locality in
26 which the work is being performed, to employees engaged in

1 work of a similar character on public works.

2 (Source: P.A. 103-8, eff. 6-7-23; 103-327, eff. 1-1-24;
3 103-346, eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff.
4 8-4-23; 103-605, eff. 7-1-24; 103-1066, eff. 2-20-25; 104-17,
5 eff. 7-1-26 (see Section 35-5 of P.A. 104-434 for effective
6 date of P.A. 104-17); 104-23, eff. 6-30-25; 104-160, eff.
7 8-14-25; revised 12-2-25.)

8 Section 5-210. The Family Neonatal Intensive Care Leave
9 Act is amended by changing Section 20 as follows:

10 (820 ILCS 157/20)

11 (This Section may contain text from a Public Act with a
12 delayed effective date)

13 Sec. 20. Department responsibilities.

14 (a) The Department shall administer and enforce this Act
15 and adopt rules under the Illinois Administrative Procedure
16 Act for the purpose of this Act. The Department shall have the
17 powers and the parties shall have the rights provided in the
18 Illinois Administrative Procedure Act for contested cases. The
19 Department shall have the power to conduct investigations in
20 connection with the administration and enforcement of this
21 Act, including the power to conduct depositions and discovery
22 and to issue subpoenas. If the Department finds cause to
23 believe that this Act has been violated, the Department shall
24 notify the parties in writing and the matter shall be referred

1 to an administrative law judge to schedule a formal hearing in
2 accordance with hearing procedures established by rule.

3 (b) The Department is authorized to impose civil penalties
4 prescribed in Section 25 in administrative proceedings that
5 comply with the Illinois Administrative Procedure Act and to
6 supervise the payment of the unpaid wages and damages owing to
7 the employee or employees under this Act. The Department may
8 bring any legal action necessary to recover the amount of
9 unpaid wages, damages, and penalties, and the employer shall
10 be required to pay the costs. Any sums recovered by the
11 Department on behalf of an employee under this Act shall be
12 paid to the employee or employees affected. However, 20% of
13 any penalty collected from the employer for a violation of
14 this Act shall be deposited into the Paid Leave for All Workers
15 Fund for the purposes set forth in Section 35 of the Paid Leave
16 for All Workers Act ~~Neonatal Intensive Care Leave Fund, a~~
17 ~~special fund created in the State treasury, and used for the~~
18 ~~enforcement of this Act.~~

19 (c) The Attorney General may bring an action to enforce
20 the collection of any civil penalty imposed under this Act.

21 (Source: P.A. 104-259, eff. 6-1-26.)

22 Section 5-215. The Employee Classification Act is amended
23 by changing Section 50 as follows:

24 (820 ILCS 185/50)

1 Sec. 50. Employee Classification Fund. All moneys received
2 by the Department as fees and civil penalties under this Act
3 and all moneys owed to the Department under the Prevailing
4 Wage Act and the Employment of Illinois Workers on Public
5 Works Act shall be deposited into the Employee Classification
6 Fund and shall be used, subject to appropriation by the
7 General Assembly, by the Department for administration,
8 investigation, outreach, and educational activities related to
9 this Act and the Prevailing Wage Act and the Employment of
10 Illinois Workers on Public Works Act and other expenses
11 incurred in carrying out its powers and duties under this Act
12 and the Prevailing Wage Act and the Employment of Illinois
13 Workers on Public Works Act. The Department shall hire as many
14 investigators and other personnel as may be necessary to carry
15 out the purposes of this Act. Any moneys in the Fund at the end
16 of a fiscal year in excess of those moneys necessary for the
17 Department to carry out its powers and duties under this Act
18 shall be available to the Department for the next fiscal year
19 for any of the Department's duties.

20 (Source: P.A. 104-23, eff. 6-30-25.)

21 Section 5-220. The Paid Leave for All Workers Act is
22 amended by changing Section 35 as follows:

23 (820 ILCS 192/35)

24 Sec. 35. Penalties and enforcement. An employer that

1 violates this Act or any rule adopted under this Act shall be
2 subject to a civil penalty of \$2,500 for each separate
3 offense. An offense means any violation of this Act with the
4 exception of a violation of the notice requirement in
5 subsection (c) of Section 20. Any penalties collected from an
6 employer under this Section or under subsection (d) of Section
7 20 for violations of this Act shall be deposited into the Paid
8 Leave for All Workers Fund, a special fund created in the State
9 treasury that is dedicated to enforcing this Act and the
10 Family Neonatal Intensive Care Leave Act.

11 (Source: P.A. 102-1143, eff. 1-1-24.)

12 Article 10.

13 Section 10-1. Findings. The General Assembly finds that:

14 (1) Illinois law recognizes that individuals with
15 disabilities should have self-determination and retain the
16 right to make decisions about their own lives and care to the
17 maximum extent possible.

18 (2) Illinois has established, as a bedrock principle of
19 public policy, that support and protection of persons with
20 disabilities should be unbiased and free from conflicts of
21 interest.

22 (3) Fifty years ago, the Governor's Commission for
23 Revision of the Mental Health Code of Illinois released its
24 report recommending revisions to the civil and criminal laws

1 that advance the rights and interests of persons with
2 disabilities. The report reflected the work of 36 Commission
3 members, 47 advisory members, consultants, and staff, engaged
4 in a process that presented a democratic forum that welded
5 together the input of many dedicated people into a cohesive
6 whole.

7 (4) In 1979, the General Assembly used the recommendations
8 to address the far-reaching and comprehensive need for
9 statutory reform that would reflect the historical and
10 continued progress in the capacity of our people to rise above
11 prejudice, superstition, and irrational fears, enabling
12 persons with disabilities to participate more fully in the
13 total life of our society.

14 (5) Part of the reform was the establishment of the
15 Guardianship and Advocacy Commission, which since then has
16 served as a national leader in protecting the rights and
17 advancing the rights and interests of persons with
18 disabilities.

19 (6) Today, the Guardianship and Advocacy Commission
20 provides critical services to some of the most vulnerable
21 residents of this State in accordance with statutory mandates
22 that are unmatched by any other single agency in the United
23 States, including:

24 (A) serving as court-appointed guardian for nearly
25 5,000 adults with disabilities when no other suitable
26 person is available;

1 (B) providing constitutionally mandated, direct legal
2 representation in more than 7,000 involuntary mental
3 health and developmental disability proceedings annually;
4 and

5 (C) investigating allegations of disability rights
6 violations by public and private disability service
7 providers.

8 (7) Continued demographic pressures, including the aging
9 population of this State and the deepening understanding that
10 persons with disabilities are entitled to full human rights
11 and equal participation in society, require modernization of
12 the Guardianship and Advocacy Commission to respond to the
13 increasing need for its services and the evolving recognition
14 and affirmation of the inherent dignity, right, and societal
15 value of persons with disabilities.

16 Section 10-3. Purpose. It is the purpose of this Act to
17 support the modernization of the Guardianship and Advocacy
18 Commission by establishing the Department of Disability
19 Advocacy and Guardianship as the successor agency to the
20 Guardianship and Advocacy Commission. The Department of
21 Disability Advocacy and Guardianship will maintain and
22 strengthen this State's commitment to protecting and advancing
23 the rights of persons with disabilities by retaining the core
24 statutory duties, authorities, and functions assigned to the
25 Guardianship and Advocacy Commission while adopting a

1 governance structure that balances direct accountability with
2 the independence necessary for effective advocacy.

3 Section 10-5. The State Budget Law of the Civil
4 Administrative Code of Illinois is amended by changing Section
5 50-28 as follows:

6 (15 ILCS 20/50-28)

7 Sec. 50-28. Youth Budget Commission.

8 (a) As used in this Section:

9 "Adolescent" or "youth" means a person between the ages of
10 8 and 25 years.

11 "Commission" means the Youth Budget Commission established
12 under this Section.

13 "Service models" include the following tiers of service
14 delivered to adolescents and their families:

15 (1) Prevention: support for at-risk youth (deterrence,
16 prevention of harm, extra supports).

17 (2) Treatment/intervention: respond to significant
18 challenges in need of direct intervention to change,
19 resolve or reverse behaviors, conditions, or both.

20 (3) Corrective/rehabilitation: correct or
21 rehabilitate acute behaviors or conditions that pose a
22 physical or psychological danger or threat to adolescents.

23 (4) Positive Youth Development: build individual
24 assets and increase competencies.

1 "Youth developmental goals" are defined as the outcomes of
2 stable, safe, healthy, educated, employable, and connected,
3 which align with the following Budgeting for Results goals:

4 (1) Stable: meeting the needs of the most vulnerable;
5 increasing individual and family stability and
6 self-sufficiency.

7 (2) Safe: creating safer communities.

8 (3) Healthy: improving the overall health of
9 Illinoisans.

10 (4) Educated: improving school readiness and student
11 success for all.

12 (5) Employable: increasing employment and attracting,
13 retaining and growing businesses.

14 (6) Connected: strengthening cultural and
15 environmental vitality.

16 (b) Subject to appropriation, the Governor shall establish
17 the Youth Budget Commission with the goal of producing an
18 annual fiscal scan. The fiscal scan, under the direction of
19 the Commission, shall be used to advise the Governor and
20 General Assembly, as well as State agencies, on ways to
21 improve and expand existing policies, services, programs, and
22 opportunities for adolescents. The Governor's Office of
23 Management and Budget shall post a link to the fiscal scan on
24 its website. For fiscal year 2019 and each fiscal year
25 thereafter, the Commission established under this Section,
26 shall complete an analysis of enacted State budget items which

1 directly impact adolescents. This analysis will categorize
2 budget items by the 6 identified youth developmental goals and
3 4 service models. The analysis will include State agency
4 expenditures associated with these categories. General State
5 Aid and federal funds such as Medicaid will be excluded from
6 the analysis.

7 The Commission shall also be responsible for: (1)
8 monitoring and commenting on existing and proposed legislation
9 and programs designed to address the needs of adolescents; (2)
10 assisting State agencies in developing programs, services,
11 public policies, and research strategies that will expand and
12 enhance the well-being of adolescents; (3) facilitating the
13 participation of and representation of adolescents in the
14 development, implementation, and planning of policies,
15 programs, and community-based services; and (4) promoting
16 research efforts to document the impact of policies and
17 programs on adolescents.

18 (c) The Commission shall collaborate with State agencies,
19 including the Illinois State Board of Education, the
20 Department of Human Services, the Department of Children and
21 Family Services, the Department of Commerce and Economic
22 Opportunity, the Illinois Student Assistance Commission, the
23 Department of Healthcare and Family Services, the Department
24 of Public Health, the Illinois Community College Board, the
25 Department of Juvenile Justice, the Illinois Criminal Justice
26 Information Authority, the Department of Military Affairs, the

1 Illinois Arts Council, the Department of Corrections, the
2 Board of Higher Education, Department of Disability Advocacy
3 and ~~Illinois Guardianship and Advocacy Commission~~, Department
4 on Aging, and others.

5 (d) The Commission shall be comprised of 15 members
6 appointed by the Governor. Each member shall have a working
7 knowledge of youth development, human services, and economic
8 public policy in Illinois. One chairperson shall be a
9 representative of a statewide nonprofit children and family
10 services organization who has previously completed a similar
11 analysis of the Illinois State budget. The other chairperson
12 shall be a member of the General Assembly. Of the remaining
13 members:

14 (1) at least one member representing an organization
15 that has expertise in the needs of low-income youth;

16 (2) at least one member representing an organization
17 that has expertise in the needs of youth of color;

18 (3) at least one member representing an organization
19 that has expertise in the needs of youth who are
20 immigrants or are children of immigrants;

21 (4) at least one member representing an organization
22 that has expertise in the needs of youth who identify as
23 LGBTQ, gender non-conforming, or both;

24 (5) at least one member representing an organization
25 that has expertise in the needs of youth who are
26 disconnected from traditional educational systems;

1 (6) at least one member representing an organization
2 that has expertise in the needs of youth who are
3 experiencing homelessness; and

4 (7) at least one member representing an organization
5 that has expertise in the needs of youth and young adults
6 involved with the justice system.

7 Commission members shall reflect regional representation
8 to ensure that the needs of adolescents throughout the State
9 of Illinois are met. Members will serve without compensation,
10 but shall be reimbursed for Commission-related expenses. Of
11 the initial members appointed under this Section: 5 members
12 shall serve for a 3-year term; 5 members shall serve for a
13 4-year term; and 5 members shall serve for a 5-year term. Their
14 successors shall serve for 5-year terms.

15 (e) The Governor's Office of Management and Budget shall
16 provide administrative support to the Commission.

17 (Source: P.A. 100-818, eff. 8-13-18.)

18 Section 10-10. The Youth Homelessness Prevention
19 Subcommittee Act is amended by changing Section 20 as follows:

20 (15 ILCS 60/20)

21 Sec. 20. Membership. The Youth Homelessness Prevention
22 Subcommittee shall include the following members:

23 (1) One representative from the Governor's office.

24 (2) The Director of the Department of Children and

1 Family Services.

2 (3) The Director of the Department of Healthcare and
3 Family Services.

4 (4) The Secretary of the Department of Human Services.

5 (5) The Director of the Department of Juvenile
6 Justice.

7 (6) The Director of the Department of Corrections.

8 (7) The Director of the Department of Public Health.

9 (8) The Director of the Department of Disability
10 Advocacy and Guardianship and Advocacy Commission.

11 (9) Four representatives from agencies serving
12 homeless youth.

13 (10) One representative from a homeless advocacy
14 organization.

15 (11) One representative from a juvenile justice
16 advocacy organization.

17 (12) Four youth who have a lived experience with
18 homelessness.

19 (Source: P.A. 101-98, eff. 1-1-20.)

20 Section 10-15. The Civil Administrative Code of Illinois
21 is amended by changing Sections 5-15 and 5-20 and by adding
22 Sections 5-218, 5-348, and 5-543 as follows:

23 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

24 Sec. 5-15. Departments of State government. The

1 Departments of State government are created as follows:

2 The Department on Aging.

3 The Department of Agriculture.

4 The Department of Central Management Services.

5 The Department of Children and Family Services.

6 The Department of Commerce and Economic Opportunity.

7 The Department of Corrections.

8 The Department of Disability Advocacy and
9 Guardianship.

10 The Department of Early Childhood.

11 The Department of Employment Security.

12 The Illinois Emergency Management Agency.

13 The Department of Financial and Professional
14 Regulation.

15 The Department of Healthcare and Family Services.

16 The Department of Human Rights.

17 The Department of Human Services.

18 The Department of Innovation and Technology.

19 The Department of Insurance.

20 The Department of Juvenile Justice.

21 The Department of Labor.

22 The Department of the Lottery.

23 The Department of Natural Resources.

24 The Department of Public Health.

25 The Department of Revenue.

26 The Illinois State Police.

1 The Department of Transportation.

2 The Department of Veterans Affairs.

3 (Source: P.A. 103-594, eff. 6-25-24; 104-234, eff. 8-15-25.)

4 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

5 Sec. 5-20. Heads of departments. Each department shall
6 have an officer as its head who shall be known as director or
7 secretary and who shall, subject to the provisions of the
8 Civil Administrative Code of Illinois, execute the powers and
9 discharge the duties vested by law in his or her respective
10 department.

11 The following officers are hereby created:

12 Director of Aging, for the Department on Aging.

13 Director of Agriculture, for the Department of
14 Agriculture.

15 Director of Central Management Services, for the
16 Department of Central Management Services.

17 Director of Children and Family Services, for the
18 Department of Children and Family Services.

19 Director of Commerce and Economic Opportunity, for the
20 Department of Commerce and Economic Opportunity.

21 Director of Corrections, for the Department of
22 Corrections.

23 Director of Disability Advocacy and Guardianship, for
24 the Department of Disability Advocacy and Guardianship.

25 Director of the Illinois Emergency Management Agency,

1 for the Illinois Emergency Management Agency.

2 Secretary of Early Childhood, for the Department of
3 Early Childhood.

4 Director of Employment Security, for the Department of
5 Employment Security.

6 Secretary of Financial and Professional Regulation,
7 for the Department of Financial and Professional
8 Regulation.

9 Director of Healthcare and Family Services, for the
10 Department of Healthcare and Family Services.

11 Director of Human Rights, for the Department of Human
12 Rights.

13 Secretary of Human Services, for the Department of
14 Human Services.

15 Secretary of Innovation and Technology, for the
16 Department of Innovation and Technology.

17 Director of Insurance, for the Department of
18 Insurance.

19 Director of Juvenile Justice, for the Department of
20 Juvenile Justice.

21 Director of Labor, for the Department of Labor.

22 Director of the Lottery, for the Department of the
23 Lottery.

24 Director of Natural Resources, for the Department of
25 Natural Resources.

26 Director of Public Health, for the Department of

1 Public Health.

2 Director of Revenue, for the Department of Revenue.

3 Director of the Illinois State Police, for the
4 Illinois State Police.

5 Secretary of Transportation, for the Department of
6 Transportation.

7 Director of Veterans Affairs, for the Department of
8 Veterans Affairs.

9 (Source: P.A. 103-594, eff. 6-25-24; 104-234, eff. 8-15-25.)

10 (20 ILCS 5/5-218 new)

11 Sec. 5-218. Director of Disability Advocacy and
12 Guardianship. The Director of Disability Advocacy and
13 Guardianship shall be a person thoroughly conversant with the
14 purposes of the Guardianship and Advocacy Act, actively
15 interested in the development of programs to advocate for
16 individuals with disabilities, and not affiliated with any
17 entity that provides services to individuals with
18 disabilities.

19 (20 ILCS 5/5-348 new)

20 Sec. 5-348. In the Department of Disability Advocacy and
21 Guardianship. For terms beginning on or after July 1, 2027,
22 the Director of Disability Advocacy and Guardianship shall
23 receive an annual salary of \$197,000 or as set by the Governor,
24 whichever is higher. On each July 1 thereafter, the Director

1 shall receive an increase in salary based on a cost-of-living
2 adjustment as authorized by Senate Joint Resolution 192 of the
3 86th General Assembly.

4 (20 ILCS 5/5-543 new)

5 Sec. 5-543. In the Department of Disability Advocacy and
6 Guardianship. A Disability Advocacy and Guardianship Advisory
7 Council composed and appointed as provided in the Guardianship
8 and Advocacy Act.

9 Section 10-20. The Department of Innovation and Technology
10 Act is amended by changing Section 1-5 as follows:

11 (20 ILCS 1370/1-5)

12 Sec. 1-5. Definitions. In this Act:

13 "Dedicated unit" means the dedicated bureau, division,
14 office, or other unit within a transferred agency that is
15 responsible for the information technology functions of the
16 transferred agency.

17 "Department" means the Department of Innovation and
18 Technology.

19 "Information technology" means technology,
20 infrastructure, equipment, systems, software, networks, and
21 processes used to create, send, receive, and store electronic
22 or digital information, including, without limitation,
23 computer systems and telecommunication services and systems.

1 "Information technology" shall be construed broadly to
2 incorporate future technologies that change or supplant those
3 in effect as of the effective date of this Act.

4 "Information technology functions" means the development,
5 procurement, installation, retention, maintenance, operation,
6 possession, storage, and related functions of all information
7 technology.

8 "Secretary" means the Secretary of Innovation and
9 Technology.

10 "State agency" means each State agency, department, board,
11 and commission under the jurisdiction of the Governor to which
12 the Department provides services.

13 "Transferred agency" means the Department on Aging; the
14 Departments of Agriculture, Central Management Services,
15 Children and Family Services, Commerce and Economic
16 Opportunity, Corrections, Employment Security, Financial and
17 Professional Regulation, Healthcare and Family Services, Human
18 Rights, Human Services, Insurance, Juvenile Justice, Labor,
19 Lottery, Military Affairs, Natural Resources, Public Health,
20 Revenue, Transportation, and Veterans' Affairs; the Illinois
21 State Police; the Capital Development Board; the Deaf and Hard
22 of Hearing Commission; the Environmental Protection Agency;
23 the Governor's Office of Management and Budget; the Department
24 of Disability Advocacy and Guardianship and—Advocacy
25 Commission; the Abraham Lincoln Presidential Library and
26 Museum; the Illinois Arts Council; the Illinois Council on

1 Developmental Disabilities; the Illinois Emergency Management
2 Agency; the Illinois Gaming Board; the Illinois Liquor Control
3 Commission; the Office of the State Fire Marshal; the Prisoner
4 Review Board; and the Department of Early Childhood.

5 (Source: P.A. 103-588, eff. 6-5-24; 104-195, eff. 1-1-26.)

6 Section 10-25. The Mental Health and Developmental
7 Disabilities Administrative Act is amended by changing
8 Sections 4.3 and 14 as follows:

9 (20 ILCS 1705/4.3) (from Ch. 91 1/2, par. 100-4.3)

10 Sec. 4.3. Site visits and inspections.

11 (a) (Blank).

12 (b) The Department shall establish a system of regular and
13 ongoing on-site inspections that shall occur at least annually
14 of each facility under its jurisdiction. The inspections shall
15 be conducted by the Department's central office to:

16 (1) Determine facility compliance with Department
17 policies and procedures;

18 (2) Determine facility compliance with audit
19 recommendations;

20 (3) Evaluate facility compliance with applicable
21 federal standards;

22 (4) Review and follow up on complaints made by
23 community mental health agencies and advocates, and on
24 findings of the Division of Disability ~~Human~~ Rights and

1 Protections Authority ~~division~~ of the Department of
2 Disability Advocacy and Guardianship ~~and Advocacy~~
3 ~~Commission~~;

4 (5) Review administrative and management problems
5 identified by other sources; and

6 (6) Identify and prevent abuse and neglect.

7 (Source: P.A. 95-427, eff. 1-1-08.)

8 (20 ILCS 1705/14) (from Ch. 91 1/2, par. 100-14)

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

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

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

24 (b) Any male person who is charged with the commission
25 of a crime but has been found unfit under Article 104 of

1 the Code of Criminal Procedure of 1963.

2 (c) Any male person with mental illness or
3 developmental disabilities or person in need of mental
4 treatment now confined under the supervision of the
5 Department or hereafter admitted to any facility thereof
6 or committed thereto by any court of competent
7 jurisdiction.

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

21 The facility director of the Chester Mental Health Center
22 may authorize the temporary use of handcuffs on a recipient
23 for a period not to exceed 10 minutes when necessary in the
24 course of transport of the recipient within the facility to
25 maintain custody or security. Use of handcuffs is subject to
26 the provisions of Section 2-108 of the Mental Health and

1 Developmental Disabilities Code. The facility shall keep a
2 monthly record listing each instance in which handcuffs are
3 used, circumstances indicating the need for use of handcuffs,
4 and time of application of handcuffs and time of release
5 therefrom. The facility director shall allow the Department of
6 Disability Advocacy and ~~Illinois~~ Guardianship and Advocacy
7 Commission, the agency designated by the Governor under
8 Section 1 of the Protection and Advocacy for Persons with
9 Developmental Disabilities Act, and the Department to examine
10 and copy such record upon request.

11 The facility director of the Chester Mental Health Center
12 may authorize the temporary use of transport devices on a
13 civil recipient when necessary in the course of transport of
14 the civil recipient outside the facility to maintain custody
15 or security. The decision whether to use any transport devices
16 shall be reviewed and approved on an individualized basis by a
17 physician, an advanced practice registered nurse, or a
18 physician assistant based upon a determination of the civil
19 recipient's: (1) history of violence, (2) history of violence
20 during transports, (3) history of escapes and escape attempts,
21 (4) history of trauma, (5) history of incidents of restraint
22 or seclusion and use of involuntary medication, (6) current
23 functioning level and medical status, and (7) prior experience
24 during similar transports, and the length, duration, and
25 purpose of the transport. The least restrictive transport
26 device consistent with the individual's need shall be used.

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

1 other required training relating to the safe use and
2 application of transport devices, including recognizing and
3 responding to signs of distress in an individual whose
4 movement is being restricted by a transport device.

5 If and when it shall appear to the satisfaction of the
6 Department that any person confined in the Chester Mental
7 Health Center is not or has ceased to be such a source of
8 danger to the public as to require his subjection to the
9 regimen of the center, the Department is hereby authorized to
10 transfer such person to any State facility for treatment of
11 persons with mental illness or habilitation of persons with
12 developmental disabilities, as the nature of the individual
13 case may require.

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

26 The Department may elect to place persons who have been

1 ordered by the court to be detained under the Sexually Violent
2 Persons Commitment Act in a distinct portion of the Chester
3 Mental Health Center. The persons so placed shall be separated
4 and shall not commingle ~~comingle~~ with the recipients of the
5 Chester Mental Health Center. The portion of Chester Mental
6 Health Center that is used for the persons detained under the
7 Sexually Violent Persons Commitment Act shall not be a part of
8 the mental health facility for the enforcement and
9 implementation of the Mental Health and Developmental
10 Disabilities Code nor shall their care and treatment be
11 subject to the provisions of the Mental Health and
12 Developmental Disabilities Code. The changes added to this
13 Section by this amendatory Act of the 98th General Assembly
14 are inoperative on and after June 30, 2015.

15 (Source: P.A. 99-143, eff. 7-27-15; 99-581, eff. 1-1-17;
16 100-513, eff. 1-1-18.)

17 Section 10-30. The Guardianship and Advocacy Act is
18 amended by changing the title of the Act and Sections 2, 3, 4,
19 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
20 23, 24, 25, 26, 27, 28, 30, 31, 32, 33.5, 34, and 36 and by
21 adding Section 35.5 as follows:

22 (20 ILCS 3955/Act title)

23 An Act concerning the Department of Disability Advocacy
24 and Guardianship, created to safeguard the rights of and

1 ~~advocate for persons with disabilities to create the~~
2 ~~Guardianship and Advocacy Commission, to safeguard the rights~~
3 ~~and to provide legal counsel and representation for eligible~~
4 ~~persons and to create the Office of State Guardian for persons~~
5 ~~with disabilities.~~

6 (20 ILCS 3955/2) (from Ch. 91 1/2, par. 702)

7 Sec. 2. As used in this Act, unless the context requires
8 otherwise:

9 "Advisory Council" means the Disability Advocacy and
10 Guardianship Advisory Council created by Section 5-543 of the
11 Civil Administrative Code of Illinois.

12 ~~(a) "Authority" means a Human Rights Authority.~~

13 ~~(b) "Department Commission" means the Department of~~
14 ~~Disability Advocacy and Guardianship and Advocacy Commission.~~

15 ~~(c) "Director" means the Director of the Department~~
16 ~~Guardianship and Advocacy Commission.~~

17 ~~(d) "Guardian" means a court-appointed ~~court appointed~~~~
18 ~~guardian for an adult ~~or conservator.~~~~

19 ~~(e) "Services" includes but is not limited to examination,~~
20 ~~diagnosis, evaluation, treatment, care, training,~~
21 ~~psychotherapy, pharmaceuticals, after-care, habilitation, and~~
22 ~~rehabilitation provided for an eligible person.~~

23 ~~(f) "Person" means an individual, corporation,~~
24 ~~partnership, association, unincorporated organization, or a~~
25 ~~government or any subdivision, agency, or instrumentality~~

1 thereof.

2 ~~(g)~~ "Eligible persons" means individuals who have
3 received, are receiving, have requested, or may be in need of
4 mental health services, or are ~~"persons with a "~~developmental
5 disability" as defined in the federal Developmental
6 Disabilities Assistance and Bill of Rights Act of 2000 (42
7 U.S.C. 15002(8)) ~~Services and Facilities Construction Act~~
8 ~~(Public Law 94-103, Title II)~~, as now or hereafter amended, or
9 "persons "with one or more disabilities" as defined in the
10 Rehabilitation of Persons with Disabilities Act.

11 "Regional board" means a regional board of the Division of
12 Disability Rights and Protections.

13 ~~(h)~~ "Rights" includes but is not limited to all rights,
14 benefits, and privileges guaranteed by law, the Constitution
15 of the State of Illinois, and the Constitution of the United
16 States.

17 ~~(i)~~ "Legal Advocacy ~~Service~~ attorney" means an attorney
18 employed by or under contract with the Division of Legal
19 Advocacy ~~Service~~.

20 ~~(j)~~ "Service provider" means any public or private
21 facility, center, hospital, clinic, program, or any other
22 person devoted in whole or in part to providing services to
23 eligible persons.

24 ~~(k)~~ "State Guardian" means the Division ~~Office~~ of State
25 Guardian.

26 ~~(l)~~ "Ward" means a ward as defined by the Probate Act of

1 1975, as now or hereafter amended, who is at least 18 years of
2 age.

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

4 (20 ILCS 3955/3) (from Ch. 91 1/2, par. 703)

5 Sec. 3. The Department of Disability Advocacy and
6 Guardianship and Advocacy Commission is hereby created as an
7 executive agency of state government. The Division of Legal
8 Advocacy Service, the Division of Disability Rights and
9 Protections, Human Rights Authority and the Division Office of
10 State Guardian shall be established as divisions of the
11 Department Commission.

12 (Source: P.A. 80-1487.)

13 (20 ILCS 3955/4) (from Ch. 91 1/2, par. 704)

14 Sec. 4. (a) The Advisory Council Commission shall consist
15 of 11 members, ~~one of whom shall be a senior citizen age 60 or~~
16 ~~over, who shall be~~ appointed by the Governor, with the advice
17 and consent of the Senate, taking into account the
18 requirements of State and federal statutes. At least one
19 member of the Advisory Council shall be a senior citizen age 60
20 or older. At least one member shall be a person with one or
21 more disabilities or members of their families who receive
22 services and support as required under Section 15 of the
23 Persons with Disabilities on State Agency Boards Act. All
24 appointments shall be filed with the Secretary of State by the

1 ~~appointing authority, with the advice and consent of the~~
2 ~~Senate.~~

3 ~~All appointments shall be filed with the Secretary of~~
4 ~~State by the appointing authority.~~

5 (b) The ~~terms of the~~ original members of the Advisory
6 Council shall be the immediate former members of the
7 Guardianship and Advocacy Commission serving an unexpired term
8 on the Guardianship and Advocacy Commission on the day before
9 the effective date of the changes made to this Section by this
10 amendatory Act of the 104th General Assembly, who shall
11 continue to serve out their immediate terms on the Advisory
12 Council and may serve up to 2 full consecutive terms
13 thereafter. Any terms as a member of the Guardianship and
14 Advocacy Commission immediately preceding the creation of the
15 Department shall be considered in determining term limits. The
16 terms shall be 3 years beginning on July 1, with each member
17 serving no more than 2 full consecutive terms. All terms shall
18 continue until a successor is appointed ~~3 one year terms, 3 two~~
19 ~~year terms, and 3 three year terms, all terms to continue until~~
20 ~~a successor is appointed and qualified. The length of the~~
21 ~~terms of the original members shall be drawn by lot of the~~
22 ~~first meeting held by the Commission. The members first~~
23 ~~appointed under this amendatory Act of 1984 shall serve for a~~
24 ~~term of 3 years. Thereafter all terms shall be for 3 years,~~
25 ~~with each member serving no more than 2 consecutive terms.~~
26 ~~Vacancies in the membership are to be filled in the same manner~~

1 ~~as original appointments.~~ Appointments to fill vacancies
2 occurring before the expiration of a term are for the
3 remainder of the unexpired term. ~~A member of the Commission~~
4 ~~shall serve for a term ending on June 30 and until his~~
5 ~~successor is appointed and qualified.~~

6 (c) The Advisory Council ~~Commission~~ shall annually elect a
7 Chair and a Vice-Chair ~~Chairman and any other officers it~~
8 ~~deems necessary.~~ The Advisory Council ~~Commission~~ shall meet at
9 least ~~once every~~ 3 times annually. A majority of the members of
10 the Advisory Council, excluding vacancies, constitutes a
11 quorum ~~months with the times and places of meetings determined~~
12 ~~by the Chairman. Additional meetings may be called by the~~
13 ~~Chairman upon written notice 7 days before the meeting or by~~
14 ~~written petition of 5 members to the Chairman. Six members of~~
15 ~~the Commission constitute a quorum.~~

16 (d) Members of the Advisory Council ~~Commission~~ are not
17 entitled to compensation but shall receive reimbursement for
18 actual expenses incurred in the performance of their duties.

19 (e) The Advisory Council shall advise and make
20 recommendations to the Department for the development of
21 policies and operations that will aid in carrying out the
22 purposes of this Act.

23 (Source: P.A. 83-1538.)

24 (20 ILCS 3955/5) (from Ch. 91 1/2, par. 705)

25 Sec. 5. (a) The Department ~~Commission~~ shall establish

1 throughout the State such regions as it considers appropriate
2 to effectuate the purposes of the Division of Disability
3 Rights and Protections Authority under this Act, taking into
4 account the requirements of State and federal statutes;
5 population; civic, health and social service boundaries; and
6 other pertinent factors.

7 (b) The Department may ~~Commission shall~~ act through its
8 divisions as provided in this Act.

9 (c) The Department ~~Commission~~ shall establish general
10 policy guidelines for the operation of the Division of Legal
11 Advocacy Service, the Division of Disability Human Rights and
12 Protections, Authority and the Division of State Guardian in
13 furtherance of this Act. The policy guidelines shall ensure
14 that each division makes decisions with an appropriate level
15 of independence. Any action taken by a regional board
16 ~~authority~~ is subject to the review and approval of the
17 Director ~~Commission~~. The Director ~~Commission~~, ~~acting on a~~
18 ~~request from the Director,~~ may disapprove any action of a
19 regional board ~~authority~~, in which case the regional board
20 ~~authority~~ shall cease such action.

21 (d) The Director ~~Commission~~ shall hire ~~a Director and~~
22 staff to carry out the powers and duties of the Department
23 ~~Commission~~ and its divisions pursuant to this Act and the
24 rules and regulations promulgated by the Department
25 ~~Commission~~. All staff, other than the Director, shall be
26 subject to the Personnel Code.

1 (e) (Blank). ~~The Commission shall review and evaluate the~~
2 ~~operations of the divisions.~~

3 (f) The Department ~~Commission~~ shall operate subject to the
4 provisions of the Illinois Procurement Code.

5 (g) The Department ~~Commission~~ shall prepare its budget.

6 (h) The Department ~~Commission~~ shall prepare an annual
7 report on its operations and submit the report to the Governor
8 and the General Assembly.

9 The requirement for reporting to the General Assembly
10 shall be satisfied by filing copies of the report as required
11 by Section 3.1 of the General Assembly Organization Act, and
12 filing such additional copies with the State Government Report
13 Distribution Center for the General Assembly as is required
14 under paragraph (t) of Section 7 of the State Library Act.

15 (i) The Department ~~Commission~~ shall establish rules and
16 regulations for the conduct of the work of its divisions,
17 including rules and regulations for the Division of Legal
18 Advocacy ~~Service~~ and the Division of State Guardian in
19 evaluating an eligible person's or ward's financial resources
20 for the purpose of determining whether the eligible person or
21 ward has the ability to pay for legal or guardianship services
22 received. The determination of the eligible person's financial
23 ability to pay for legal services shall be based upon the
24 number of dependents in the eligible person's family unit and
25 the income, liquid assets and necessary expenses, as
26 prescribed by rule of the Department ~~Commission~~ of: (1) the

1 eligible person; (2) the eligible person's spouse; and (3) the
2 parents of minor eligible persons. The determination of a
3 ward's ability to pay for guardianship services shall be based
4 upon the ward's estate. An eligible person or ward found to
5 have sufficient financial resources shall be required to pay
6 the Department ~~Commission~~ in accordance with standards
7 established by the Department ~~Commission~~. No fees may be
8 charged for legal services given unless the eligible person is
9 given notice at the start of such services that such fees might
10 be charged. No fees may be charged for guardianship services
11 given unless the ward is given notice of the request for fees
12 filed with the probate court and the court approves the amount
13 of fees to be assessed. All fees collected shall be deposited
14 with the State Treasurer and placed in the Guardianship and
15 Advocacy Fund. The Department ~~Commission~~ shall establish rules
16 and regulations regarding the procedures of appeal for clients
17 prior to termination or suspension of legal services. Such
18 rules and regulations shall include, but not be limited to,
19 client notification procedures prior to the actual
20 termination, the scope of issues subject to appeal, and
21 procedures specifying when a final administrative decision is
22 made.

23 (j) The Department ~~Commission~~ shall take such actions as
24 it deems necessary and appropriate to receive private, federal
25 and other public funds to help support the divisions and to
26 safeguard the rights of eligible persons. Private funds and

1 property may be accepted, held, maintained, administered and
2 disposed of by the Department ~~Commission~~, as trustee, for such
3 purposes for the benefit of the People of the State of Illinois
4 pursuant to the terms of the instrument granting the funds or
5 property to the Department ~~Commission~~.

6 (k) The Department ~~Commission~~ may expend funds under the
7 State's plan to protect and advocate the rights of persons
8 with a developmental disability established under the federal
9 Developmental Disabilities Assistance and Bill of Rights Act
10 of 2000 ~~Services and Facilities Construction Act (Public Law~~
11 ~~94-103, Title II)~~. If the Governor designates the Department
12 ~~Commission~~ to be the organization or agency to provide the
13 services called for in the State plan, the Department
14 ~~Commission~~ shall make these protection and advocacy services
15 available to persons with a developmental disability by
16 referral or by contracting for these services to the extent
17 practicable. If the Department ~~Commission~~ is unable to so make
18 available such protection and advocacy services, it shall
19 provide them through persons in its own employ.

20 (l) The Department ~~Commission~~ shall, to the extent funds
21 are available, monitor issues concerning the rights of
22 eligible persons and the care and treatment provided to those
23 persons, including but not limited to the incidence of abuse
24 or neglect of eligible persons. For purposes of that
25 monitoring the Department ~~Commission~~ shall have access to
26 reports of suspected abuse or neglect and information

1 regarding the disposition of such reports, subject to the
2 provisions of the Mental Health and Developmental Disabilities
3 Confidentiality Act.

4 (Source: P.A. 100-1148, eff. 12-10-18.)

5 (20 ILCS 3955/6) (from Ch. 91 1/2, par. 706)

6 Sec. 6. (a) The Department ~~Commission~~ may recommend to any
7 State agency or service provider regulations or procedures for
8 the purpose of safeguarding the rights of eligible persons.
9 The State agency or service provider shall notify the
10 Department ~~Commission~~, within 60 days of the receipt of the
11 recommendations, of the action taken thereon and the reason
12 therefor. The Department ~~Commission~~ shall not make
13 recommendations that ~~which~~ interfere with the proper practice
14 of medical or other professions.

15 (b) The Department ~~Commission~~ may recommend to the General
16 Assembly legislation for the purpose of safeguarding the
17 rights of eligible persons.

18 (c) The Department ~~Commission~~ may take any other action as
19 may be reasonable to carry out the purposes of this Act.

20 (Source: P.A. 80-1487.)

21 (20 ILCS 3955/7) (from Ch. 91 1/2, par. 707)

22 Sec. 7. The Director shall:

23 (1) carry out the policies and programs of the
24 Department; ~~Commission and~~

1 (2) coordinate the activities of the ~~its~~ divisions of
2 the Department; and may delegate to the Human Rights
3 Authority Director any duties described in Sections 14,
4 15, and 16 of this Act.

5 (3) organize and administer programs to provide legal
6 counsel and representation for eligible persons to ensure
7 that their legal rights are protected;

8 (4) examine and delineate the needs of eligible
9 persons for legal counsel and representation and the
10 resources necessary to meet those needs, subject to the
11 approval of the Department; and

12 (5) institute or cause to be instituted legal
13 proceedings as may be necessary to enforce and give effect
14 to any of the duties or powers of the Department or its
15 divisions.

16 (Source: P.A. 96-271, eff. 1-1-10.)

17 (20 ILCS 3955/8) (from Ch. 91 1/2, par. 708)

18 Sec. 8. The Director may delegate to employees of the
19 Department any of the duties described in Section 7 of this
20 Act. shall:

21 ~~(1) Organize and administer programs to provide legal~~
22 ~~counsel and representation for eligible persons so as to~~
23 ~~ensure that their legal rights are protected;~~

24 ~~(2) Examine and delineate the needs of eligible persons~~
25 ~~for legal counsel and representation and the resources~~

1 ~~necessary to meet those needs, subject to the approval of the~~
2 ~~Commission; and~~

3 ~~(3) Institute or cause to be instituted such legal~~
4 ~~proceedings as may be necessary to enforce and give effect to~~
5 ~~any of the duties or powers of the Commission or its divisions.~~

6 (Source: P.A. 80-1487.)

7 (20 ILCS 3955/10) (from Ch. 91 1/2, par. 710)

8 Sec. 10. The Division of Legal Advocacy Service shall:

9 (1) Make available legal counsel to eligible persons in
10 judicial proceedings arising out of the "Mental Health and
11 Developmental Disabilities Code", enacted by the Eightieth
12 General Assembly, as now or hereafter amended, including but
13 not limited to admission, civil commitment, involuntary
14 treatment, ~~legal competency~~ and discharge;

15 (2) Make available or provide legal counsel and
16 representation to eligible persons to enforce rights or duties
17 arising out of any mental health or related laws, local, State
18 or federal.

19 (Source: P.A. 80-1487.)

20 (20 ILCS 3955/11) (from Ch. 91 1/2, par. 711)

21 Sec. 11. The Division of Legal Advocacy Service shall make
22 available counsel for eligible persons by referral or by
23 contracting for legal services to the extent practicable. The
24 Division of Legal Advocacy Service shall make a good faith

1 effort to assist eligible persons to engage private counsel,
2 and to contact private counsel for eligible persons whose
3 disabilities limit their capacity to independently contact
4 private counsel. If the Division of Legal Advocacy ~~Service~~ is
5 unable to so make available counsel, it shall provide
6 attorneys in its own employ. Taking into consideration the
7 availability of private counsel in the eligible person's local
8 area, the Department ~~Commission~~ shall establish, by rule, the
9 standards and procedures by which it will attempt to assist
10 eligible persons to engage private counsel.

11 (Source: P.A. 84-1358.)

12 (20 ILCS 3955/12) (from Ch. 91 1/2, par. 712)

13 Sec. 12. A Legal Advocacy ~~Service~~ attorney shall:

14 (1) have ready access to view and copy all mental health
15 records pertaining to his client, ~~as provided in the "Mental~~
16 ~~Health and Developmental Disabilities Confidentiality Act",~~
17 ~~enacted by the Eightieth General Assembly, as now or hereafter~~
18 ~~amended,~~ and such other records to which he is permitted
19 access; and

20 (2) have the opportunity to consult with his client
21 whenever necessary for the performance of his duties. Service
22 providers shall provide adequate space and privacy for the
23 purpose of attorney-client consultation. No attorney shall
24 have the right to visit eligible persons or look at their
25 records for the purpose of soliciting cases for

1 representation.

2 (Source: P.A. 80-1487.)

3 (20 ILCS 3955/13) (from Ch. 91 1/2, par. 713)

4 Sec. 13. Nothing in this Act shall be construed to
5 prohibit an eligible person from being represented by
6 privately retained counsel or from waiving his right to an
7 attorney in proceedings under the "Mental Health and
8 Developmental Disabilities Code", approved by the Eightieth
9 General Assembly, as now or hereafter amended, or as otherwise
10 provided by law. If a Legal Advocacy ~~Service~~ attorney has been
11 appointed by a court and the eligible person secures his own
12 counsel or is permitted to self-represent, the court shall
13 discharge the Legal Advocacy ~~Service~~ attorney.

14 (Source: P.A. 80-1487.)

15 (20 ILCS 3955/14) (from Ch. 91 1/2, par. 714)

16 Sec. 14. Each regional board ~~authority~~ shall consist of at
17 least 7 members and no more than 9 members appointed by the
18 Director, in accordance with this Section. Each regional board
19 ~~authority~~ shall include insofar as possible one professionally
20 knowledgeable and broadly experienced employee or officer of a
21 provider of each of the following services: mental health,
22 developmental disabilities, and vocational rehabilitation. No
23 other employee or officer of a service provider shall be
24 appointed to a regional board ~~authority~~. In making

1 appointments, the Director shall strive to ensure
2 representation of minority groups and of eligible persons, and
3 shall give due consideration to recommendations of persons and
4 groups assisting eligible persons. The Director may remove for
5 incompetence, neglect of duty, or malfeasance in office any
6 member of a regional board authority. Each member of a
7 regional board shall become a member of a regional board while
8 retaining the existing end date of the member's current term.
9 All terms shall be for 3 years, with each member serving no
10 more than 2 consecutive terms, including terms as a member of a
11 regional authority of the Guardianship and Advocacy Commission
12 immediately preceding the creation of the Department. No
13 member shall serve for more than 2 full consecutive 3-year
14 terms. A quorum shall consist of a majority of appointed
15 members, excluding vacancies ~~All actions taken by the Director~~
16 ~~to appoint or remove members shall be reported to the~~
17 ~~Commission at the next scheduled Commission meeting.~~

18 Each regional board authority shall annually elect a Chair
19 ~~chairman~~ and any other officers it deems necessary. ~~Members of~~
20 ~~the regional authorities shall serve for a term of 3 years,~~
21 ~~except that the terms of the first appointees shall be as~~
22 ~~follows: 3 members serving for a 1 year term; 3 members serving~~
23 ~~for a 2 year term; and 3 members serving for a 3 year term.~~
24 ~~Assignment of terms of such first appointees shall be by lot.~~
25 ~~No member shall serve for more than 2 consecutive 3 year terms.~~
26 ~~A quorum shall consist of a majority of appointed members.~~

1 Vacancies in the regional board ~~authorities~~ shall be
2 filled by the Director. Appointments to fill vacancies
3 occurring before the expiration of a term are for the
4 remainder of the unexpired term ~~in the same manner as original~~
5 ~~appointments.~~

6 Members of the regional board ~~authorities~~ shall serve
7 without compensation but shall be reimbursed for actual
8 expenses incurred in the performance of their duties.

9 Each regional board ~~authority~~ shall meet not less than
10 once every 2 months. Meetings may also be held upon call of the
11 Regional Chair ~~Chairman~~ or upon written request of a majority
12 of the appointed ~~any 5~~ members of the regional board,
13 excluding vacancies ~~authority.~~

14 (Source: P.A. 104-273, eff. 1-1-26.)

15 (20 ILCS 3955/15) (from Ch. 91 1/2, par. 715)

16 Sec. 15. A regional board that ~~authority which~~ receives a
17 complaint alleging that the rights of an eligible person have
18 been violated in the region in which the regional board
19 ~~authority~~ sits, shall conduct an investigation unless it
20 determines that the complaint is frivolous or beyond the scope
21 of its authority or competence, or unless the Director finds
22 that a conflict of interest exists and directs another
23 regional board ~~authority~~ to conduct the investigation. The
24 regional board ~~authority~~ shall inform the complainant of
25 whether it will conduct an investigation, and if not, the

1 reason therefor. The regional board ~~authority~~ may advise a
2 complainant as to other remedies which may be available.
3 Reassignments of investigations for conflicts of interest and
4 refusals to investigate shall be reviewed and approved by the
5 Director ~~and the Director may seek direction from the~~
6 ~~Commission.~~

7 (Source: P.A. 96-271, eff. 1-1-10.)

8 (20 ILCS 3955/16) (from Ch. 91 1/2, par. 716)

9 Sec. 16. A regional board ~~authority~~ may conduct
10 investigations upon its own initiative if it has reason to
11 believe that the rights of an eligible person have been
12 violated in the region in which the regional board ~~authority~~
13 sits, unless the Director finds that a conflict of interest
14 exists and directs another regional board ~~authority~~ to conduct
15 the investigation.

16 (Source: P.A. 96-271, eff. 1-1-10.)

17 (20 ILCS 3955/17) (from Ch. 91 1/2, par. 717)

18 Sec. 17. In the course of an investigation, a regional
19 board ~~authority~~ may enter and inspect the premises of a
20 service provider or State agency and question privately any
21 person therein within reasonable limits and in a reasonable
22 manner. Whenever possible, prior notice shall be given the
23 parties regarding the nature, location, and persons involved
24 in a particular investigation.

1 (Source: P.A. 80-1416.)

2 (20 ILCS 3955/18) (from Ch. 91 1/2, par. 718)

3 Sec. 18. In the course of an investigation, a regional
4 board ~~authority~~ may inspect and copy any materials relevant to
5 the investigation in the possession of a service provider or
6 state agency. However, a regional board ~~authority~~ may not
7 inspect or copy materials containing personally identifiable
8 data which cannot ~~can not~~ be removed without imposing an
9 unreasonable burden on the service provider or State agency,
10 except as provided herein. The regional board ~~authority~~ shall
11 give written notice to the person entitled to give consent for
12 the identifiable eligible person under Section 5 of the
13 "Mental Health and Developmental Disabilities Confidentiality
14 Act", enacted by the Eightieth General Assembly, as now or
15 hereafter amended, or under any other relevant law, that it is
16 conducting an investigation and indicating the nature and
17 purpose of the investigation and the need to inspect and copy
18 materials containing data that identifies the eligible person.
19 If the person notified objects in writing to such inspection
20 and copying, the regional board ~~authority~~ may not inspect or
21 copy such materials. The service provider or State agency may
22 not object on behalf of an eligible person.

23 (Source: P.A. 80-1487.)

24 (20 ILCS 3955/19) (from Ch. 91 1/2, par. 719)

1 Sec. 19. No regional board ~~authority~~ may disclose to any
2 person any materials which identify an eligible person unless
3 the eligible person or legally authorized person consents to
4 such disclosure, except if and to the extent that disclosure
5 may be necessary for the appointment of a guardian for such
6 eligible person.

7 (Source: P.A. 80-1487.)

8 (20 ILCS 3955/20) (from Ch. 91 1/2, par. 720)

9 Sec. 20. A regional board ~~authority~~ may conduct hearings
10 and compel by subpoena the attendance and testimony of such
11 witnesses and the production of such materials as are
12 necessary or desirable for its investigation.

13 (Source: P.A. 80-1487.)

14 (20 ILCS 3955/21) (from Ch. 91 1/2, par. 721)

15 Sec. 21. A regional board ~~authority~~ may, subject to the
16 provisions of the Open Meetings Act, conduct closed meetings
17 and hearings when necessary to ensure confidentiality or to
18 protect the rights of any eligible person or provider of
19 services or other person. However, it shall make public a
20 summary of business conducted during any such meeting or
21 hearing. Such summary shall not contain personally
22 identifiable data.

23 (Source: P.A. 96-271, eff. 1-1-10.)

(20 ILCS 3955/22) (from Ch. 91 1/2, par. 722)

Sec. 22. During the course of an investigation, the regional board ~~authority~~ shall periodically inform the complainant, or provider and any eligible person involved of the status of the investigation.

(Source: P.A. 80-1487.)

(20 ILCS 3955/23) (from Ch. 91 1/2, par. 723)

Sec. 23. If a regional board ~~authority~~ finds that:

- A. a matter should be further considered;
- B. an act investigated should be modified or cancelled;
- C. a statute or regulation should be altered;
- D. reasons should be given for an act; or
- E. any other action should be taken;

it shall report its recommendations to the State agency, service provider or other person investigated. Such person investigated shall notify the regional board ~~authority~~, within 30 days of the receipt of such recommendations, of the action taken thereon and the reason therefor.

(Source: P.A. 80-1416.)

(20 ILCS 3955/24) (from Ch. 91 1/2, par. 724)

Sec. 24. If a regional board ~~authority~~ determines that further action is required, it may refer a matter to the Director ~~Commission~~ or another division of the Department ~~thereof~~, and any federal, State, or local agency, or other

1 persons, as it may deem appropriate and as approved by the
2 Director, as it may deem appropriate and as approved by the
3 Director.

4 (Source: P.A. 96-271, eff. 1-1-10.)

5 (20 ILCS 3955/25) (from Ch. 91 1/2, par. 725)

6 Sec. 25. Within 10 days of the completion of its
7 investigation, the regional board ~~authority~~ shall inform the
8 complainant and the eligible person involved of the outcome of
9 its investigation and of any action taken thereon.

10 (Source: P.A. 80-1487.)

11 (20 ILCS 3955/26) (from Ch. 91 1/2, par. 726)

12 Sec. 26. Subject to the provisions of Section 19, a
13 regional board ~~authority~~ may make public its findings and
14 recommendations. It shall include in any such public statement
15 any reply made by the State agency, service provider, or other
16 person investigated that has requested that the reply be so
17 included. The State agency, service provider, or other person
18 investigated ~~provider or person~~ shall have opportunity to
19 review and object to any proposed public findings and
20 recommendations. If the State agency, service provider, or
21 other person investigated requests, the objections shall be
22 included with public findings and recommendations issued by
23 the regional board ~~authority~~ in the ~~this~~ matter.

24 (Source: P.A. 80-1416.)

1 (20 ILCS 3955/27) (from Ch. 91 1/2, par. 727)

2 Sec. 27. A regional board ~~authority~~ may, ~~by acting through~~
3 ~~the Director,~~ propose to the Department Commission legislation
4 for the purpose of safeguarding the rights of eligible
5 persons.

6 (Source: P.A. 96-271, eff. 1-1-10.)

7 (20 ILCS 3955/28) (from Ch. 91 1/2, par. 728)

8 Sec. 28. A regional board ~~authority~~ may take such other
9 action as may be reasonable and appropriate to carry out the
10 purposes of this Act.

11 (Source: P.A. 80-1416.)

12 (20 ILCS 3955/30) (from Ch. 91 1/2, par. 730)

13 Sec. 30. When appointed by the court pursuant to the
14 "~~Probate Act of 1975~~", ~~approved August 7, 1975,~~ as now or
15 hereafter amended, the Division of State Guardian shall serve
16 as guardian, either plenary or limited; temporary guardian;
17 testamentary guardian; or successor guardian~~+~~ of the person or
18 the estate, or both, of a ward. If nomination is testamentary
19 the Division of State Guardian shall be notified in writing at
20 the time of the death of the testator. The Division ~~Office~~ of
21 State Guardian may file a petition for its own appointment, or
22 for the appointment of any other person, if the Division of
23 State Guardian determines that the filing of the petition may

1 avoid the need for State guardianship. In addition, the
2 Division of State Guardian may assist the court, as the court
3 may request, in proceedings for the appointment of a guardian
4 and in the supervision of persons and agencies which have been
5 appointed as guardians.

6 (Source: P.A. 89-396, eff. 8-20-95.)

7 (20 ILCS 3955/31) (from Ch. 91 1/2, par. 731)

8 Sec. 31. Appointment; availability of Division of State
9 Guardian; available private guardian.

10 (a) The Division of State Guardian shall not be appointed
11 if another suitable person is available and willing to accept
12 the guardianship appointment. In all cases where a court
13 appoints the Division of State Guardian, the court shall
14 indicate in the order appointing the guardian as a finding of
15 fact that no other suitable and willing person could be found
16 to accept the guardianship appointment. On and after the
17 effective date of the ~~this~~ amendatory Act of the 97th General
18 Assembly, the court shall also indicate in the order, as a
19 finding of fact, the reasons that the Division of State
20 Guardian appointment, rather than the appointment of another
21 interested party, is required. This requirement shall be
22 waived where the Division ~~Office~~ of State Guardian petitions
23 for its own appointment as guardian.

24 (b) In all cases in which the Division of State Guardian
25 has been appointed to prior to or after the effective date of

1 the changes made to this Section by this amendatory Act of the
2 104th General Assembly, the Division of State Guardian shall
3 be recognized as a division of the Department. Any reference
4 in law, regulation, order, or appointment to the State
5 Guardian or Office of State Guardian as a division of the
6 Guardianship and Advocacy Commission shall be deemed to refer
7 to the State Guardian as a division of the Department of
8 Disability Advocacy and Guardianship. This subsection applies
9 retroactively and prospectively to all appointments, actions,
10 and proceedings involving the State Guardian or its wards.

11 (Source: P.A. 97-1093, eff. 1-1-13.)

12 (20 ILCS 3955/32) (from Ch. 91 1/2, par. 732)

13 Sec. 32. The Division of State Guardian shall have the
14 same powers and duties as a private guardian as provided in
15 Article XIa of the Probate Act of 1975, ~~approved August 7,~~
16 ~~1975~~. The State Guardian shall not provide direct residential
17 services to its wards. The State Guardian shall visit and
18 consult with its wards at least four times a year for as long
19 as the guardianship continues.

20 (Source: P.A. 80-1416.)

21 (20 ILCS 3955/33.5)

22 Sec. 33.5. Guardianship training program. The State
23 Guardian shall provide a training program that outlines the
24 duties and responsibilities of guardians appointed under

1 Article XIa of the Probate Act of 1975. The training program
2 shall be offered to courts at no cost, and shall outline the
3 duties ~~responsibilities~~ of a guardian and the rights of a
4 person under guardianship. The training program shall have 2
5 components: one for guardians of the person and another for
6 guardians of the estate. The State Guardian shall determine
7 the content of the training. The component for guardians of
8 the person shall include content regarding Alzheimer's disease
9 and dementia, including, but not limited to, the following
10 topics: effective communication strategies; best practices for
11 interacting with people living with Alzheimer's disease or
12 related forms of dementia; and strategies for supporting
13 people living with Alzheimer's disease or related forms of
14 dementia in exercising their rights. In developing the
15 training program content, the State Guardian shall consult
16 with the courts, State and national guardianship
17 organizations, public guardians, advocacy organizations, and
18 persons and family members with direct experience with adult
19 guardianship. In the preparation and dissemination of training
20 materials, the State Guardian shall give due consideration to
21 making the training materials accessible to persons with
22 disabilities.

23 (Source: P.A. 103-64, eff. 1-1-24; 104-237, eff. 1-1-26.)

24 (20 ILCS 3955/34) (from Ch. 91 1/2, par. 734)

25 Sec. 34. A person, including a private citizen or employee

1 of a service provider, who, in good faith, files a complaint
2 with or provides information to the Department or any of its
3 divisions ~~Commission or any division thereof, including~~
4 ~~private citizens and employees of service providers,~~ shall not
5 be subject to any penalties, sanctions, or restrictions as a
6 consequence of filing the complaint or providing the
7 information.

8 (Source: P.A. 80-1416.)

9 (20 ILCS 3955/35.5 new)

10 Sec. 35.5. Applicability to employee status. Nothing in
11 this amendatory Act of the 104th General Assembly affects or
12 otherwise changes the status and rights of any employees of
13 the Guardianship and Advocacy Commission who are covered under
14 the Personnel Code, the Illinois Public Labor Relations Act,
15 an applicable collective bargaining agreement, or a pension,
16 retirement, or annuity plan.

17 (20 ILCS 3955/36) (from Ch. 91 1/2, par. 736)

18 Sec. 36. Rules and regulations adopted by the Department
19 ~~Commission~~ pursuant to authority granted under this Act shall
20 be subject to the provisions of the Illinois Administrative
21 Procedure Act.

22 (Source: P.A. 84-1358.)

23 (20 ILCS 3955/35 rep.)

1 Section 10-33. The Guardianship and Advocacy Act is
2 amended by repealing Section 35.

3 Section 10-35. The Persons with Disabilities on State
4 Agency Boards Act is amended by changing Section 10 as
5 follows:

6 (20 ILCS 4007/10)

7 Sec. 10. Definitions. As used in this Act, unless the
8 context requires otherwise:

9 "Disability" means a physical or mental characteristic
10 resulting from disease, injury, congenital condition of birth,
11 or functional disorder, the history of such a characteristic,
12 or the perception of such a characteristic, when the
13 characteristic results in substantial functional limitations
14 in 3 or more of the following areas of major life activity:
15 self care, fine motor skills, mobility, vision, respiration,
16 learning, work, receptive and expressive language (hearing and
17 speaking), self direction, capacity for independent living,
18 and economic sufficiency.

19 "State human services agency" means the following:

20 (1) The Citizens Council on Mental Health and
21 Developmental Disabilities created under Article 11A of
22 the Legislative Commission Reorganization Act of 1984.

23 (2) Advisory councils created by the Department of
24 Human Rights under Section 7-107 of the Illinois Human

1 Rights Act.

2 (3) The Department of Disability Advocacy and
3 Guardianship and Advocacy Commission created under the
4 Guardianship and Advocacy Act.

5 (4) (Blank).

6 (Source: P.A. 100-866, eff. 8-14-18.)

7 Section 10-45. The State Finance Act is amended by
8 changing Section 6z-22 as follows:

9 (30 ILCS 105/6z-22) (from Ch. 127, par. 142z-22)

10 Sec. 6z-22. All fees or other monies received by the
11 Department of Disability Advocacy and Guardianship ~~and~~
12 ~~Advocacy Commission~~ incident to the provision of legal or
13 guardianship services to eligible persons or wards pursuant to
14 subsection (i) of Section 5 of the Guardianship and Advocacy
15 Act shall be paid into the Guardianship and Advocacy Fund.

16 Appropriations for the improvement, development, addition
17 or expansion of legal and guardianship services for eligible
18 persons or wards pursuant to Section 5 of the Guardianship and
19 Advocacy Act or for the financing of any program designed to
20 provide such improvement, development, addition or expansion
21 of services or for expenses incurred in administering the
22 Division of Human Rights Authority, Legal Advocacy, the
23 Division of Disability Rights and Protections, and the
24 Division Service and Office of State Guardian are payable from

1 the Guardianship and Advocacy Fund.

2 (Source: P.A. 86-448; 86-1028.)

3 Section 10-50. The Public Interest Attorney Assistance Act
4 is amended by changing Section 15 as follows:

5 (110 ILCS 916/15)

6 Sec. 15. Definitions. For the purposes of this Act:

7 "Assistant State's Attorney" means a full-time employee of
8 a State's Attorney in Illinois or the State's Attorneys
9 Appellate Prosecutor who is continually licensed to practice
10 law and prosecutes or defends cases on behalf of the State or a
11 county.

12 "Assistant Attorney General" means a full-time employee of
13 the Illinois Attorney General who is continually licensed to
14 practice law and prosecutes or defends cases on behalf of the
15 State.

16 "Assistant Public Defender" means a full-time employee of
17 a Public Defender in Illinois or the State Appellate Defender
18 who is continually licensed to practice law and provides legal
19 representation to indigent persons, as provided by statute.

20 "Assistant public guardian" means a full-time employee of
21 a public guardian in Illinois who is continually licensed to
22 practice law and provides legal representation pursuant to
23 court appointment.

24 "Civil legal aid" means free or reduced-cost legal

1 representation or advice to low-income clients in non-criminal
2 matters.

3 "Civil legal aid attorney" means an attorney who is
4 continually licensed to practice law and is employed full time
5 as an attorney at a civil legal aid organization in Illinois.

6 "Civil legal aid organization" means a not-for-profit
7 corporation in Illinois that (i) is exempt from the payment of
8 federal income tax pursuant to Section 501(c)(3) of the
9 Internal Revenue Code, (ii) is established for the purpose of
10 providing legal services that include civil legal aid, (iii)
11 employs 2 or more full-time attorneys who are licensed to
12 practice law in this State and who directly provide civil
13 legal aid, and (iv) is in compliance with registration and
14 filing requirements that are applicable under the Charitable
15 Trust Act and the Solicitation for Charity Act.

16 "Commission" means the Illinois Student Assistance
17 Commission.

18 "Committee" means the advisory committee created under
19 Section 20 of this Act.

20 "Eligible debt" means outstanding principal, interest, and
21 related fees from loans obtained for undergraduate, graduate,
22 or law school educational expenses made by government or
23 commercial lending institutions or educational institutions.
24 "Eligible debt" excludes loans made by a private individual or
25 family member.

26 "Department of Disability Advocacy and Guardianship ~~IGAC~~

1 attorney" means a full-time employee of the Department of
2 Disability ~~Illinois~~ Guardianship and Advocacy and Guardianship
3 Commission, including the Division ~~Office~~ of State Guardian,
4 the Division of Legal Advocacy ~~Service~~, and the Division of
5 Disability ~~Human~~ Rights and Protections ~~Authority~~, who is
6 continually licensed to practice law and provides legal
7 representation to carry out the responsibilities of the
8 Department of Disability Advocacy and ~~Illinois~~ Guardianship
9 and Advocacy Commission.

10 "Legislative attorney" means a full-time employee of the
11 Illinois Senate, the Illinois House of Representatives, or the
12 Illinois Legislative Reference Bureau who is continually
13 licensed to practice law and provides legal advice to members
14 of the General Assembly.

15 "Program" means the Public Interest Attorney Loan
16 Repayment Assistance Program.

17 "Public interest attorney" means an attorney practicing in
18 Illinois who is an assistant State's Attorney, assistant
19 Public Defender, civil legal aid attorney, assistant Attorney
20 General, assistant public guardian, Department of Disability
21 Advocacy and Guardianship ~~ICAC~~ attorney, or legislative
22 attorney.

23 "Qualifying employer" means (i) an Illinois State's
24 Attorney or the State's Attorneys Appellate Prosecutor, (ii)
25 an Illinois Public Defender or the State Appellate Defender,
26 (iii) an Illinois civil legal aid organization, (iv) the

1 Illinois Attorney General, (v) an Illinois public guardian,
2 (vi) the Department of Disability Advocacy and Illinois
3 Guardianship and Advocacy Commission, (vii) the Illinois
4 Senate, (viii) the Illinois House of Representatives, or (ix)
5 the Illinois Legislative Reference Bureau.

6 (Source: P.A. 96-615, eff. 1-1-10; 96-768, eff. 1-1-10.)

7 Section 10-55. The Abused and Neglected Long Term Care
8 Facility Residents Reporting Act is amended by changing
9 Sections 4 and 6 as follows:

10 (210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

11 Sec. 4. Any long term care facility administrator, agent
12 or employee or any physician, hospital, surgeon, dentist,
13 osteopath, chiropractor, podiatric physician, accredited
14 religious practitioner who provides treatment by spiritual
15 means alone through prayer in accordance with the tenets and
16 practices of the accrediting church, coroner, social worker,
17 social services administrator, registered nurse, law
18 enforcement officer, field personnel of the Department of
19 Healthcare and Family Services, field personnel of the
20 Illinois Department of Public Health and County or Municipal
21 Health Departments, personnel of the Department of Human
22 Services (acting as the successor to the Department of Mental
23 Health and Developmental Disabilities or the Department of
24 Public Aid), personnel of the Department of Disability

1 Advocacy and Guardianship (acting as the successor to the
2 Guardianship and Advocacy Commission), personnel of the State
3 Fire Marshal, local fire department inspectors or other
4 personnel, or personnel of the Illinois Department on Aging,
5 or its subsidiary Agencies on Aging, or employee of a facility
6 licensed under the Assisted Living and Shared Housing Act,
7 having reasonable cause to believe any resident with whom they
8 have direct contact has been subjected to abuse or neglect
9 shall immediately report or cause a report to be made to the
10 Department. Persons required to make reports or cause reports
11 to be made under this Section include all employees of the
12 State of Illinois who are involved in providing services to
13 residents, including professionals providing medical or
14 rehabilitation services and all other persons having direct
15 contact with residents; and further include all employees of
16 community service agencies who provide services to a resident
17 of a public or private long term care facility outside of that
18 facility. Any long term care surveyor of the Illinois
19 Department of Public Health who has reasonable cause to
20 believe in the course of a survey that a resident has been
21 abused or neglected and initiates an investigation while on
22 site at the facility shall be exempt from making a report under
23 this Section but the results of any such investigation shall
24 be forwarded to the central register in a manner and form
25 described by the Department.

26 The requirement of this Act shall not relieve any

1 long-term ~~long-term~~ care facility administrator, agent or
2 employee of responsibility to report the abuse or neglect of a
3 resident under Section 3-610 of the Nursing Home Care Act or
4 under Section 3-610 of the ID/DD Community Care Act or under
5 Section 3-610 of the MC/DD Act or under Section 2-107 of the
6 Specialized Mental Health Rehabilitation Act of 2013.

7 In addition to the above persons required to report
8 suspected resident abuse and neglect, any other person may
9 make a report to the Department, or to any law enforcement
10 officer, if such person has reasonable cause to suspect a
11 resident has been abused or neglected.

12 This Section also applies to residents whose death occurs
13 from suspected abuse or neglect before being found or brought
14 to a hospital.

15 A person required to make reports or cause reports to be
16 made under this Section who fails to comply with the
17 requirements of this Section is guilty of a Class A
18 misdemeanor.

19 (Source: P.A. 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;
20 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

21 (210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

22 Sec. 6. All reports of suspected abuse or neglect made
23 under this Act shall be made immediately by telephone to the
24 Department's central register established under Section 14 on
25 the single, State-wide, toll-free telephone number established

1 under Section 13, or in person or by telephone through the
2 nearest Department office. No long-term ~~long-term~~ care
3 facility administrator, agent or employee, or any other
4 person, shall screen reports or otherwise withhold any reports
5 from the Department, and no long-term ~~long-term~~ care facility,
6 department of State government, or other agency shall
7 establish any rules, criteria, standards or guidelines to the
8 contrary. Every long-term ~~long-term~~ care facility, department
9 of State government and other agency whose employees are
10 required to make or cause to be made reports under Section 4
11 shall notify its employees of the provisions of that Section
12 and of this Section, and provide to the Department
13 documentation that such notification has been given. The
14 Department of Human Services shall train all of its mental
15 health and developmental disabilities employees in the
16 detection and reporting of suspected abuse and neglect of
17 residents. Reports made to the central register through the
18 State-wide, toll-free telephone number shall be transmitted to
19 appropriate Department offices and municipal health
20 departments that have responsibility for licensing long term
21 care facilities under the Nursing Home Care Act, the
22 Specialized Mental Health Rehabilitation Act of 2013, the
23 ID/DD Community Care Act, or the MC/DD Act. All reports
24 received through offices of the Department shall be forwarded
25 to the central register, in a manner and form described by the
26 Department. The Department shall be capable of receiving

1 reports of suspected abuse and neglect 24 hours a day, 7 days a
2 week. Reports shall also be made in writing deposited in the
3 U.S. mail, postage prepaid, within 24 hours after having
4 reasonable cause to believe that the condition of the resident
5 resulted from abuse or neglect. Such reports may in addition
6 be made to the local law enforcement agency in the same manner.
7 However, in the event a report is made to the local law
8 enforcement agency, the reporter also shall immediately so
9 inform the Department. The Department shall initiate an
10 investigation of each report of resident abuse and neglect
11 under this Act, whether oral or written, as provided for in
12 Section 3-702 of the Nursing Home Care Act, Section 2-208 of
13 the Specialized Mental Health Rehabilitation Act of 2013,
14 Section 3-702 of the ID/DD Community Care Act, or Section
15 3-702 of the MC/DD Act, except that reports of abuse which
16 indicate that a resident's life or safety is in imminent
17 danger shall be investigated within 24 hours of such report.
18 The Department may delegate to law enforcement officials or
19 other public agencies the duty to perform such investigation.

20 With respect to investigations of reports of suspected
21 abuse or neglect of residents of mental health and
22 developmental disabilities institutions under the jurisdiction
23 of the Department of Human Services, the Department shall
24 transmit copies of such reports to the Illinois State Police,
25 the Department of Human Services, and the Inspector General
26 appointed under Section 1-17 of the Department of Human

1 Services Act. If the Department receives a report of suspected
2 abuse or neglect of a recipient of services as defined in
3 Section 1-123 of the Mental Health and Developmental
4 Disabilities Code, the Department shall transmit copies of
5 such report to the Inspector General and the Director
6 ~~Directors~~ of ~~the~~ Disability Advocacy and Guardianship ~~and~~
7 ~~Advocacy Commission~~ and the agency designated by the Governor
8 pursuant to the Protection and Advocacy for Persons with
9 Developmental Disabilities Act. When requested by the Director
10 of ~~the~~ Disability Advocacy and Guardianship ~~and Advocacy~~
11 ~~Commission~~, the agency designated by the Governor pursuant to
12 the Protection and Advocacy for Persons with Developmental
13 Disabilities Act, or the Department of Financial and
14 Professional Regulation, the Department, the Department of
15 Human Services and the Illinois State Police shall make
16 available a copy of the final investigative report regarding
17 investigations conducted by their respective agencies on
18 incidents of suspected abuse or neglect of residents of mental
19 health and developmental disabilities institutions or
20 individuals receiving services at community agencies under the
21 jurisdiction of the Department of Human Services. Such final
22 investigative report shall not contain witness statements,
23 investigation notes, draft summaries, results of lie detector
24 tests, investigative files or other raw data which was used to
25 compile the final investigative report. Specifically, the
26 final investigative report of the Illinois State Police shall

1 mean the Director's final transmittal letter. The Department
2 of Human Services shall also make available a copy of the
3 results of disciplinary proceedings of employees involved in
4 incidents of abuse or neglect to the Directors. All
5 identifiable information in reports provided shall not be
6 further disclosed except as provided by the Mental Health and
7 Developmental Disabilities Confidentiality Act. Nothing in
8 this Section is intended to limit or construe the power or
9 authority granted to the agency designated by the Governor
10 pursuant to the Protection and Advocacy for Persons with
11 Developmental Disabilities Act, pursuant to any other State or
12 federal statute.

13 With respect to investigations of reported resident abuse
14 or neglect, the Department shall effect with appropriate law
15 enforcement agencies formal agreements concerning methods and
16 procedures for the conduct of investigations into the criminal
17 histories of any administrator, staff assistant or employee of
18 the nursing home or other person responsible for the residents
19 care, as well as for other residents in the nursing home who
20 may be in a position to abuse, neglect or exploit the patient.
21 Pursuant to the formal agreements entered into with
22 appropriate law enforcement agencies, the Department may
23 request information with respect to whether the person or
24 persons set forth in this paragraph have ever been charged
25 with a crime and if so, the disposition of those charges.
26 Unless the criminal histories of the subjects involved crimes

1 of violence or resident abuse or neglect, the Department shall
2 be entitled only to information limited in scope to charges
3 and their dispositions. In cases where prior crimes of
4 violence or resident abuse or neglect are involved, a more
5 detailed report can be made available to authorized
6 representatives of the Department, pursuant to the agreements
7 entered into with appropriate law enforcement agencies. Any
8 criminal charges and their disposition information obtained by
9 the Department shall be confidential and may not be
10 transmitted outside the Department, except as required herein,
11 to authorized representatives or delegates of the Department,
12 and may not be transmitted to anyone within the Department who
13 is not duly authorized to handle resident abuse or neglect
14 investigations.

15 The Department shall effect formal agreements with
16 appropriate law enforcement agencies in the various counties
17 and communities to encourage cooperation and coordination in
18 the handling of resident abuse or neglect cases pursuant to
19 this Act. The Department shall adopt and implement methods and
20 procedures to promote statewide uniformity in the handling of
21 reports of abuse and neglect under this Act, and those methods
22 and procedures shall be adhered to by personnel of the
23 Department involved in such investigations and reporting. The
24 Department shall also make information required by this Act
25 available to authorized personnel within the Department, as
26 well as its authorized representatives.

1 The Department shall keep a continuing record of all
2 reports made pursuant to this Act, including indications of
3 the final determination of any investigation and the final
4 disposition of all reports.

5 The Department shall report annually to the General
6 Assembly on the incidence of abuse and neglect of long term
7 care facility residents, with special attention to residents
8 who are persons with mental disabilities. The report shall
9 include but not be limited to data on the number and source of
10 reports of suspected abuse or neglect filed under this Act,
11 the nature of any injuries to residents, the final
12 determination of investigations, the type and number of cases
13 where abuse or neglect is determined to exist, and the final
14 disposition of cases.

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 Section 10-60. The Community Living Facilities Licensing
17 Act is amended by changing Section 5 as follows:

18 (210 ILCS 35/5) (from Ch. 111 1/2, par. 4185)

19 Sec. 5. Licensing standards. The Department shall
20 promulgate rules and regulations establishing minimum
21 standards for licensing of Community Living Facilities. These
22 rules shall regulate:

23 (1) The location of Community Living Facilities. These
24 provisions shall insure that the Community Living Facilities

1 are in appropriate neighborhoods and shall prohibit
2 concentration of these housing programs in communities.

3 (2) The operation and conduct of Community Living
4 Facilities.

5 (3) The general financial ability, competence, character
6 and qualifications of the applicant to provide appropriate
7 care and comply with this Act.

8 (4) The appropriateness, safety, cleanliness and general
9 adequacy of the premises, including maintenance of adequate
10 fire protection and health standards, conforming to State laws
11 and municipal codes, to provide for the physical comfort,
12 well-being, care and protection of the residents.

13 (5) The number, character, training and qualifications of
14 personnel directly responsible for the residents.

15 (6) Provisions for food, clothing, educational
16 opportunities, social activities, home furnishings and
17 personal property to insure the healthy physical, emotional
18 and mental development of residents.

19 (7) Implementation of habilitation plans for each
20 resident.

21 (8) Provisions for residents to receive appropriate
22 programming and support services commensurate with their
23 individual needs, and to participate in decisions regarding
24 their use of programs and support services.

25 Such services should include educational opportunities,
26 vocational training and other day activities aimed at

1 promoting independence and improving basic living skills.

2 (9) Provisions and criteria for admission, discharge and
3 transfers at Community Living Facilities.

4 (10) Provisions specifying the role and responsibilities
5 of residents for upkeep of their rooms and the overall
6 maintenance and care of the Community Living Facilities. These
7 provisions shall allow the residents to participate in normal,
8 daily activities associated with community living.

9 (11) Provisions to insure that residents are notified of
10 their legal rights, as defined in the rules promulgated
11 pursuant to subsection (12) of this Section and to assist them
12 in exercising these rights. Upon admission to a Community
13 Living Facility, residents shall be provided a copy of their
14 rights and related rules, regulations and policies, and the
15 name, address, and telephone number of the Department of
16 Disability Advocacy and Guardianship and Advocacy Commission.

17 (12) Resident rights, which shall include, but need not be
18 limited to, those guaranteed by the "Mental Health and
19 Developmental Disabilities Code", as amended.

20 (13) Maintenance of records pertaining to the admission,
21 habilitation, and discharge of residents, and to the general
22 operation of Community Living Facilities.

23 (Source: P.A. 82-567.)

24 Section 10-65. The Nursing Home Care Act is amended by
25 changing Sections 2-106 and 2-201 as follows:

1 (210 ILCS 45/2-106) (from Ch. 111 1/2, par. 4152-106)

2 Sec. 2-106. Restraints.

3 (a) For purposes of this Act, a physical restraint is any
4 manual method or physical or mechanical device, material, or
5 equipment attached or adjacent to a resident's body that the
6 resident cannot remove easily and restricts freedom of
7 movement or normal access to one's body, and a chemical
8 restraint is any drug used for discipline or convenience and
9 not required to treat medical symptoms.

10 Devices used for positioning, including, but not limited
11 to, bed rails and gait belts, shall not be considered to be
12 physical restraints for purposes of this Act unless the device
13 is used to restrain or otherwise limit the patient's freedom
14 to move. A device used for positioning must be requested by the
15 resident or, if the resident is unable to consent, the
16 resident's guardian or authorized representative, or the need
17 for that device must be physically demonstrated by the
18 resident and documented in the resident's care plan. The
19 physically demonstrated need of the resident for a device used
20 for positioning must be revisited in every comprehensive
21 assessment of the resident.

22 The Department shall by rule, designate certain devices as
23 restraints, including at least all those devices which have
24 been determined to be restraints by the United States
25 Department of Health and Human Services in interpretive

1 guidelines issued for the purposes of administering Titles
2 XVIII and XIX of the Social Security Act.

3 (b) Neither restraints nor confinements shall be employed
4 for the purpose of punishment or for the convenience of any
5 facility personnel. No restraints or confinements shall be
6 employed except as ordered by a physician who documents the
7 need for such restraints or confinements in the resident's
8 clinical record.

9 (c) A restraint may be used only with the informed consent
10 of the resident, the resident's guardian, or other authorized
11 representative. A restraint may be used only for specific
12 periods, if it is the least restrictive means necessary to
13 attain and maintain the resident's highest practicable
14 physical, mental or psychosocial well-being, including brief
15 periods of time to provide necessary life-saving treatment. A
16 restraint may be used only after consultation with appropriate
17 health professionals, such as occupational or physical
18 therapists, and a trial of less restrictive measures has led
19 to the determination that the use of less restrictive measures
20 would not attain or maintain the resident's highest
21 practicable physical, mental or psychosocial well-being.
22 However, if the resident needs emergency care, restraints may
23 be used for brief periods to permit medical treatment to
24 proceed unless the facility has notice that the resident has
25 previously made a valid refusal of the treatment in question.

26 (d) A restraint may be applied only by a person trained in

1 the application of the particular type of restraint.

2 (e) Whenever a period of use of a restraint is initiated,
3 the resident shall be advised of his or her right to have a
4 person or organization of his or her choosing, including the
5 Department of Disability Advocacy and Guardianship and
6 ~~Advocacy Commission~~, notified of the use of the restraint. A
7 recipient who is under guardianship may request that a person
8 or organization of his or her choosing be notified of the
9 restraint, whether or not the guardian approves the notice. If
10 the resident so chooses, the facility shall make the
11 notification within 24 hours, including any information about
12 the period of time that the restraint is to be used. Whenever
13 the Department of Disability Advocacy and Guardianship and
14 ~~Advocacy Commission~~ is notified that a resident has been
15 restrained, it shall contact the resident to determine the
16 circumstances of the restraint and whether further action is
17 warranted.

18 (f) Whenever a restraint is used on a resident whose
19 primary mode of communication is sign language, the resident
20 shall be permitted to have his or her hands free from restraint
21 for brief periods each hour, except when this freedom may
22 result in physical harm to the resident or others.

23 (g) The requirements of this Section are intended to
24 control in any conflict with the requirements of Sections
25 1-126 and 2-108 of the Mental Health and Developmental
26 Disabilities Code.

1 (Source: P.A. 103-489, eff. 1-1-24.)

2 (210 ILCS 45/2-201) (from Ch. 111 1/2, par. 4152-201)

3 Sec. 2-201. To protect the residents' funds, the facility:

4 (1) Shall at the time of admission provide, in order of
5 priority, each resident, or the resident's guardian, if any,
6 or the resident's representative, if any, or the resident's
7 immediate family member, if any, with a written statement
8 explaining to the resident and to the resident's spouse (a)
9 their spousal impoverishment rights, as defined at Section 5-4
10 of the Illinois Public Aid Code, and at Section 303 of Title
11 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.
12 100-360), (b) their obligation to comply with the asset and
13 income disclosure requirements of Title XIX of the federal
14 Social Security Act and the regulations duly promulgated
15 thereunder, except that this item (b) does not apply to
16 facilities operated by the Illinois Department of Veterans
17 Affairs that do not participate in Medicaid, and (c) the
18 resident's rights regarding personal funds and listing the
19 services for which the resident will be charged. The facility
20 shall obtain a signed acknowledgment from each resident or the
21 resident's guardian, if any, or the resident's representative,
22 if any, or the resident's immediate family member, if any,
23 that such person has received the statement and understands
24 that failure to comply with asset and income disclosure
25 requirements may result in the denial of Medicaid eligibility.

1 (2) May accept funds from a resident for safekeeping and
2 managing, if it receives written authorization from, in order
3 of priority, the resident or the resident's guardian, if any,
4 or the resident's representative, if any, or the resident's
5 immediate family member, if any; such authorization shall be
6 attested to by a witness who has no pecuniary interest in the
7 facility or its operations, and who is not connected in any way
8 to facility personnel or the administrator in any manner
9 whatsoever.

10 (3) Shall maintain and allow, in order of priority, each
11 resident or the resident's guardian, if any, or the resident's
12 representative, if any, or the resident's immediate family
13 member, if any, access to a written record of all financial
14 arrangements and transactions involving the individual
15 resident's funds.

16 (4) Shall provide, in order of priority, each resident, or
17 the resident's guardian, if any, or the resident's
18 representative, if any, or the resident's immediate family
19 member, if any, with a written itemized statement at least
20 quarterly, of all financial transactions involving the
21 resident's funds.

22 (5) Shall purchase a surety bond, or otherwise provide
23 assurance satisfactory to the Departments of Public Health and
24 Insurance that all residents' personal funds deposited with
25 the facility are secure against loss, theft, and insolvency.

26 (6) Shall keep any funds received from a resident for

1 safekeeping in an account separate from the facility's funds,
2 and shall at no time withdraw any part or all of such funds for
3 any purpose other than to return the funds to the resident upon
4 the request of the resident or any other person entitled to
5 make such request, to pay the resident his allowance, or to
6 make any other payment authorized by the resident or any other
7 person entitled to make such authorization.

8 (7) Shall deposit any funds received from a resident in
9 excess of \$100 in an interest bearing account insured by
10 agencies of, or corporations chartered by, the State or
11 federal government. The account shall be in a form which
12 clearly indicates that the facility has only a fiduciary
13 interest in the funds and any interest from the account shall
14 accrue to the resident. The facility may keep up to \$100 of a
15 resident's money in a non-interest bearing account or petty
16 cash fund, to be readily available for the resident's current
17 expenditures.

18 (8) Shall return to the resident, or the person who
19 executed the written authorization required in subsection (2)
20 of this Section, upon written request, all or any part of the
21 resident's funds given the facility for safekeeping, including
22 the interest accrued from deposits.

23 (9) Shall (a) place any monthly allowance to which a
24 resident is entitled in that resident's personal account, or
25 give it to the resident, unless the facility has written
26 authorization from the resident or the resident's guardian or

1 if the resident is a minor, his parent, to handle it
2 differently, (b) take all steps necessary to ensure that a
3 personal needs allowance that is placed in a resident's
4 personal account is used exclusively by the resident or for
5 the benefit of the resident, and (c) where such funds are
6 withdrawn from the resident's personal account by any person
7 other than the resident, require such person to whom funds
8 constituting any part of a resident's personal needs allowance
9 are released, to execute an affidavit that such funds shall be
10 used exclusively for the benefit of the resident.

11 (10) Unless otherwise provided by State law, upon the
12 death of a resident, shall provide the executor or
13 administrator of the resident's estate with a complete
14 accounting of all the resident's personal property, including
15 any funds of the resident being held by the facility.

16 (11) If an adult resident is incapable of managing his
17 funds and does not have a resident's representative, guardian,
18 or an immediate family member, shall notify the Division
19 ~~Office of the~~ State Guardian of the Department of Disability
20 Advocacy and Guardianship and Advocacy Commission.

21 (12) If the facility is sold, shall provide the buyer with
22 a written verification by a public accountant of all
23 residents' monies and properties being transferred, and obtain
24 a signed receipt from the new owner.

25 (Source: P.A. 104-234, eff. 8-15-25.)

1 Section 10-67. The Community-Integrated Living
2 Arrangements Licensure and Certification Act is amended by
3 changing Section 9.1 as follows:

4 (210 ILCS 135/9.1)

5 Sec. 9.1. Recipient's funds; protection.

6 (a) To protect a recipient's funds, a service provider:

7 (1) May accept funds from a recipient for safekeeping
8 and management if the service provider receives written
9 authorization from the recipient or the recipient's
10 guardian.

11 (2) Shall maintain a written record of all financial
12 arrangements and transactions involving each individual
13 recipient's funds and shall allow each recipient, or the
14 recipient's guardian, access to that written record.

15 (3) Shall provide, in order of priority, each
16 recipient, or the recipient's guardian, if any, or the
17 recipient's immediate family member, if any, with a
18 written itemized statement of all financial transactions
19 involving the recipient's funds or a copy of the
20 recipient's checking or savings account register for the
21 period. This information shall be provided at least
22 quarterly.

23 (4) Shall purchase and maintain a surety bond or other
24 commercial policy with crime coverage in an amount equal
25 to or greater than all of the recipient's personal funds

1 deposited with the service provider to which employees of
2 the service provider have access to secure against loss,
3 theft, and insolvency. The insurance company that provides
4 the surety bond or commercial policy with crime coverage
5 shall inform the Division of Developmental Disabilities of
6 the Department of Human Services of any reduction or
7 cancellation of the surety bond or commercial policy with
8 crime coverage.

9 (5) Shall keep any funds received from a recipient in
10 an account separate from the service provider's funds for
11 safekeeping, and shall not withdraw all or any part of the
12 recipient's funds unless the service provider is (i)
13 returning the funds to the recipient upon the request of
14 the recipient or any other person entitled to make the
15 request, (ii) paying the recipient his or her allowance,
16 or (iii) making any other payment authorized by the
17 recipient or any other person entitled to make that
18 authorization.

19 (6) Shall deposit any funds received from a recipient
20 in excess of \$100 in an interest-bearing account insured
21 by agencies of, or corporations chartered by, the State or
22 the federal government. The account shall be in a form
23 that clearly indicates that the service provider has only
24 a fiduciary interest in the funds and that any interest
25 earned on funds in the account shall accrue to the
26 recipient. The service provider may keep up to \$100 of a

1 recipient's funds in a non-interest-bearing account or
2 petty cash fund, to be readily available for the
3 recipient's current expenditures.

4 (7) Shall, upon written request of a recipient or the
5 recipient's guardian, return to the recipient or the
6 recipient's guardian of the estate all or any part of the
7 recipient's funds given to the service provider for
8 safekeeping, including the accrued interest earned on the
9 deposits of the recipient's funds.

10 (8) Shall (i) place any monthly allowance that a
11 recipient is entitled to in the recipient's personal
12 account or give the monthly allowance directly to the
13 recipient, unless the service provider has written
14 authorization from the recipient, the recipient's
15 guardian, or the recipient's parent if the recipient is a
16 minor, to handle the monthly allowance differently, (ii)
17 take all steps necessary to ensure that a monthly
18 allowance that is placed in a recipient's personal account
19 is used exclusively by the recipient or for the
20 recipient's benefit, and (iii) require any person other
21 than the recipient who withdraws funds from the
22 recipient's personal account that constitute any portion
23 of the recipient's monthly allowance to execute an
24 affidavit that the funds will be used exclusively for the
25 benefit of the recipient.

26 (9) If an adult recipient is incapable of managing his

1 or her funds and does not have a guardian or immediate
2 family member, the service provider shall notify the
3 Division ~~Office of the State Guardian of the Guardianship~~
4 ~~and Advocacy Commission.~~

5 (b) Upon the death of a recipient, unless otherwise
6 provided by State law, the service provider shall provide the
7 executor or administrator of the recipient's estate with a
8 complete accounting of all the recipient's personal property,
9 including any funds of the recipient being held by the service
10 provider.

11 (c) If a recipient changes service providers, the former
12 service provider shall provide the new service provider with a
13 written verification by a public accountant of all the
14 recipient's money and property being transferred and shall
15 obtain a signed receipt for the money and property from the new
16 service provider upon transfer of the recipient's money and
17 property.

18 (d) If a service provider is sold, the service provider
19 shall provide the new owner with a written verification by a
20 public accountant of all the recipient's money and property
21 being transferred and shall obtain a signed receipt for the
22 money and property from the new owner upon transfer of the
23 recipient's money and property.

24 (Source: P.A. 98-1073, eff. 8-26-14.)

25 Section 10-70. The MC/DD Act is amended by changing

Sections 2-106 and 2-201 as follows:

(210 ILCS 46/2-106)

Sec. 2-106. Restraints and confinements.

(a) For purposes of this Act:

(i) A physical restraint is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a resident's body that the resident cannot remove easily and restricts freedom of movement or normal access to one's body. Devices used for positioning, including but not limited to bed rails, gait belts, and cushions, shall not be considered to be restraints for purposes of this Section.

(ii) A chemical restraint is any drug used for discipline or convenience and not required to treat medical symptoms. The Department shall by rule, designate certain devices as restraints, including at least all those devices which have been determined to be restraints by the United States Department of Health and Human Services in interpretive guidelines issued for the purposes of administering Titles XVIII and XIX of the Social Security Act.

(b) Neither restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel. No restraints or confinements shall be employed except as ordered by a physician who documents the

1 need for such restraints or confinements in the resident's
2 clinical record. Each facility licensed under this Act must
3 have a written policy to address the use of restraints and
4 seclusion. The Department shall establish by rule the
5 provisions that the policy must include, which, to the extent
6 practicable, should be consistent with the requirements for
7 participation in the federal Medicare program. Each policy
8 shall include periodic review of the use of restraints.

9 (c) A restraint may be used only with the informed consent
10 of the resident, the resident's guardian, or other authorized
11 representative. A restraint may be used only for specific
12 periods, if it is the least restrictive means necessary to
13 attain and maintain the resident's highest practicable
14 physical, mental or psychosocial well-being ~~well-being~~,
15 including brief periods of time to provide necessary
16 lifesaving ~~life-saving~~ treatment. A restraint may be used only
17 after consultation with appropriate health professionals, such
18 as occupational or physical therapists, and a trial of less
19 restrictive measures has led to the determination that the use
20 of less restrictive measures would not attain or maintain the
21 resident's highest practicable physical, mental or
22 psychosocial well-being ~~well-being~~. However, if the resident
23 needs emergency care, restraints may be used for brief periods
24 to permit medical treatment to proceed unless the facility has
25 notice that the resident has previously made a valid refusal
26 of the treatment in question.

1 (d) A restraint may be applied only by a person trained in
2 the application of the particular type of restraint.

3 (e) Whenever a period of use of a restraint is initiated,
4 the resident shall be advised of his or her right to have a
5 person or organization of his or her choosing, including the
6 Department of Disability Advocacy and Guardianship ~~and~~
7 ~~Advocacy Commission~~, notified of the use of the restraint. A
8 recipient who is under guardianship may request that a person
9 or organization of his or her choosing be notified of the
10 restraint, whether or not the guardian approves the notice. If
11 the resident so chooses, the facility shall make the
12 notification within 24 hours, including any information about
13 the period of time that the restraint is to be used. Whenever
14 the Department of Disability Advocacy and Guardianship ~~and~~
15 ~~Advocacy Commission~~ is notified that a resident has been
16 restrained, it shall contact the resident to determine the
17 circumstances of the restraint and whether further action is
18 warranted.

19 (f) Whenever a restraint is used on a resident whose
20 primary mode of communication is sign language, the resident
21 shall be permitted to have his or her hands free from restraint
22 for brief periods each hour, except when this freedom may
23 result in physical harm to the resident or others.

24 (g) The requirements of this Section are intended to
25 control in any conflict with the requirements of Sections
26 1-126 and 2-108 of the Mental Health and Developmental

1 Disabilities Code.

2 (Source: P.A. 99-180, eff. 7-29-15.)

3 (210 ILCS 46/2-201)

4 Sec. 2-201. Residents' funds. To protect the residents'
5 funds, the facility:

6 (1) Shall at the time of admission provide, in order of
7 priority, each resident, or the resident's guardian, if any,
8 or the resident's representative, if any, or the resident's
9 immediate family member, if any, with a written statement
10 explaining to the resident and to the resident's spouse (a)
11 their spousal impoverishment rights, as defined at Section 5-4
12 of the Illinois Public Aid Code, and at Section 303 of Title
13 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.
14 100-360), and (b) the resident's rights regarding personal
15 funds and listing the services for which the resident will be
16 charged. The facility shall obtain a signed acknowledgment
17 from each resident or the resident's guardian, if any, or the
18 resident's representative, if any, or the resident's immediate
19 family member, if any, that such person has received the
20 statement.

21 (2) May accept funds from a resident for safekeeping and
22 managing, if it receives written authorization from, in order
23 of priority, the resident or the resident's guardian, if any,
24 or the resident's representative, if any, or the resident's
25 immediate family member, if any; such authorization shall be

1 attested to by a witness who has no pecuniary interest in the
2 facility or its operations, and who is not connected in any way
3 to facility personnel or the administrator in any manner
4 whatsoever.

5 (3) Shall maintain and allow, in order of priority, each
6 resident or the resident's guardian, if any, or the resident's
7 representative, if any, or the resident's immediate family
8 member, if any, access to a written record of all financial
9 arrangements and transactions involving the individual
10 resident's funds.

11 (4) Shall provide, in order of priority, each resident, or
12 the resident's guardian, if any, or the resident's
13 representative, if any, or the resident's immediate family
14 member, if any, with a written itemized statement at least
15 quarterly, of all financial transactions involving the
16 resident's funds.

17 (5) Shall purchase a surety bond, or otherwise provide
18 assurance satisfactory to the Departments of Public Health and
19 Financial and Professional Regulation that all residents'
20 personal funds deposited with the facility are secure against
21 loss, theft, and insolvency.

22 (6) Shall keep any funds received from a resident for
23 safekeeping in an account separate from the facility's funds,
24 and shall at no time withdraw any part or all of such funds for
25 any purpose other than to return the funds to the resident upon
26 the request of the resident or any other person entitled to

1 make such request, to pay the resident his or her allowance, or
2 to make any other payment authorized by the resident or any
3 other person entitled to make such authorization.

4 (7) Shall deposit any funds received from a resident in
5 excess of \$100 in an interest-bearing ~~interest-bearing~~ account
6 insured by agencies of, or corporations chartered by, the
7 State or federal government. The account shall be in a form
8 which clearly indicates that the facility has only a fiduciary
9 interest in the funds and any interest from the account shall
10 accrue to the resident. The facility may keep up to \$100 of a
11 resident's money in a non-interest-bearing account or petty
12 cash fund, to be readily available for the resident's current
13 expenditures.

14 (8) Shall return to the resident, or the person who
15 executed the written authorization required in subsection (2)
16 of this Section, upon written request, all or any part of the
17 resident's funds given the facility for safekeeping, including
18 the interest accrued from deposits.

19 (9) Shall (a) place any monthly allowance to which a
20 resident is entitled in that resident's personal account, or
21 give it to the resident, unless the facility has written
22 authorization from the resident or the resident's guardian or
23 if the resident is a minor, his parent, to handle it
24 differently, (b) take all steps necessary to ensure that a
25 personal needs allowance that is placed in a resident's
26 personal account is used exclusively by the resident or for

1 the benefit of the resident, and (c) where such funds are
2 withdrawn from the resident's personal account by any person
3 other than the resident, require such person to whom funds
4 constituting any part of a resident's personal needs allowance
5 are released, to execute an affidavit that such funds shall be
6 used exclusively for the benefit of the resident.

7 (10) Unless otherwise provided by State law, upon the
8 death of a resident, shall provide the executor or
9 administrator of the resident's estate with a complete
10 accounting of all the resident's personal property, including
11 any funds of the resident being held by the facility.

12 (11) If an adult resident is incapable of managing his or
13 her funds and does not have a resident's representative,
14 guardian, or an immediate family member, shall notify the
15 Division Office of the State Guardian of the Department of
16 Disability Advocacy and Guardianship and Advocacy Commission.

17 (12) If the facility is sold, shall provide the buyer with
18 a written verification by a public accountant of all
19 residents' monies and properties being transferred, and obtain
20 a signed receipt from the new owner.

21 (Source: P.A. 99-180, eff. 7-29-15.)

22 Section 10-75. The ID/DD Community Care Act is amended by
23 changing Sections 2-106 and 2-201 as follows:

24 (210 ILCS 47/2-106)

1 Sec. 2-106. Restraints and confinements.

2 (a) For purposes of this Act:

3 (i) A physical restraint is any manual method or
4 physical or mechanical device, material, or equipment
5 attached or adjacent to a resident's body that the
6 resident cannot remove easily and restricts freedom of
7 movement or normal access to one's body. Devices used for
8 positioning, including but not limited to bed rails, gait
9 belts, and cushions, shall not be considered to be
10 restraints for purposes of this Section.

11 (ii) A chemical restraint is any drug used for
12 discipline or convenience and not required to treat
13 medical symptoms. The Department shall by rule, designate
14 certain devices as restraints, including at least all
15 those devices which have been determined to be restraints
16 by the United States Department of Health and Human
17 Services in interpretive guidelines issued for the
18 purposes of administering Titles XVIII and XIX of the
19 Social Security Act.

20 (b) Neither restraints nor confinements shall be employed
21 for the purpose of punishment or for the convenience of any
22 facility personnel. No restraints or confinements shall be
23 employed except as ordered by a physician who documents the
24 need for such restraints or confinements in the resident's
25 clinical record. Each facility licensed under this Act must
26 have a written policy to address the use of restraints and

1 seclusion. The Department shall establish by rule the
2 provisions that the policy must include, which, to the extent
3 practicable, should be consistent with the requirements for
4 participation in the federal Medicare program. Each policy
5 shall include periodic review of the use of restraints.

6 (c) A restraint may be used only with the informed consent
7 of the resident, the resident's guardian, or other authorized
8 representative. A restraint may be used only for specific
9 periods, if it is the least restrictive means necessary to
10 attain and maintain the resident's highest practicable
11 physical, mental or psychosocial well-being ~~well-being~~,
12 including brief periods of time to provide necessary
13 lifesaving ~~life-saving~~ treatment. A restraint may be used only
14 after consultation with appropriate health professionals, such
15 as occupational or physical therapists, and a trial of less
16 restrictive measures has led to the determination that the use
17 of less restrictive measures would not attain or maintain the
18 resident's highest practicable physical, mental or
19 psychosocial well-being ~~well-being~~. However, if the resident
20 needs emergency care, restraints may be used for brief periods
21 to permit medical treatment to proceed unless the facility has
22 notice that the resident has previously made a valid refusal
23 of the treatment in question.

24 (d) A restraint may be applied only by a person trained in
25 the application of the particular type of restraint.

26 (e) Whenever a period of use of a restraint is initiated,

1 the resident shall be advised of his or her right to have a
2 person or organization of his or her choosing, including the
3 Department of Disability Advocacy and Guardianship ~~and~~
4 ~~Advocacy Commission~~, notified of the use of the restraint. A
5 recipient who is under guardianship may request that a person
6 or organization of his or her choosing be notified of the
7 restraint, whether or not the guardian approves the notice. If
8 the resident so chooses, the facility shall make the
9 notification within 24 hours, including any information about
10 the period of time that the restraint is to be used. Whenever
11 the Department of Disability Advocacy and Guardianship ~~and~~
12 ~~Advocacy Commission~~ is notified that a resident has been
13 restrained, it shall contact the resident to determine the
14 circumstances of the restraint and whether further action is
15 warranted.

16 (f) Whenever a restraint is used on a resident whose
17 primary mode of communication is sign language, the resident
18 shall be permitted to have his or her hands free from restraint
19 for brief periods each hour, except when this freedom may
20 result in physical harm to the resident or others.

21 (g) The requirements of this Section are intended to
22 control in any conflict with the requirements of Sections
23 1-126 and 2-108 of the Mental Health and Developmental
24 Disabilities Code.

25 (Source: P.A. 96-339, eff. 7-1-10.)

1 (210 ILCS 47/2-201)

2 Sec. 2-201. Residents' funds. To protect the residents'
3 funds, the facility:

4 (1) Shall at the time of admission provide, in order of
5 priority, each resident, or the resident's guardian, if any,
6 or the resident's representative, if any, or the resident's
7 immediate family member, if any, with a written statement
8 explaining to the resident and to the resident's spouse (a)
9 their spousal impoverishment rights, as defined at Section 5-4
10 of the Illinois Public Aid Code, and at Section 303 of Title
11 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.
12 100-360), and (b) the resident's rights regarding personal
13 funds and listing the services for which the resident will be
14 charged. The facility shall obtain a signed acknowledgment
15 from each resident or the resident's guardian, if any, or the
16 resident's representative, if any, or the resident's immediate
17 family member, if any, that such person has received the
18 statement.

19 (2) May accept funds from a resident for safekeeping and
20 managing, if it receives written authorization from, in order
21 of priority, the resident or the resident's guardian, if any,
22 or the resident's representative, if any, or the resident's
23 immediate family member, if any; such authorization shall be
24 attested to by a witness who has no pecuniary interest in the
25 facility or its operations, and who is not connected in any way
26 to facility personnel or the administrator in any manner

1 whatsoever.

2 (3) Shall maintain and allow, in order of priority, each
3 resident or the resident's guardian, if any, or the resident's
4 representative, if any, or the resident's immediate family
5 member, if any, access to a written record of all financial
6 arrangements and transactions involving the individual
7 resident's funds.

8 (4) Shall provide, in order of priority, each resident, or
9 the resident's guardian, if any, or the resident's
10 representative, if any, or the resident's immediate family
11 member, if any, with a written itemized statement at least
12 quarterly, of all financial transactions involving the
13 resident's funds.

14 (5) Shall purchase a surety bond, or otherwise provide
15 assurance satisfactory to the Departments of Public Health and
16 Financial and Professional Regulation that all residents'
17 personal funds deposited with the facility are secure against
18 loss, theft, and insolvency.

19 (6) Shall keep any funds received from a resident for
20 safekeeping in an account separate from the facility's funds,
21 and shall at no time withdraw any part or all of such funds for
22 any purpose other than to return the funds to the resident upon
23 the request of the resident or any other person entitled to
24 make such request, to pay the resident his or her allowance, or
25 to make any other payment authorized by the resident or any
26 other person entitled to make such authorization.

1 (7) Shall deposit any funds received from a resident in
2 excess of \$100 in an interest-bearing ~~interest-bearing~~ account
3 insured by agencies of, or corporations chartered by, the
4 State or federal government. The account shall be in a form
5 which clearly indicates that the facility has only a fiduciary
6 interest in the funds and any interest from the account shall
7 accrue to the resident. The facility may keep up to \$100 of a
8 resident's money in a non-interest-bearing account or petty
9 cash fund, to be readily available for the resident's current
10 expenditures.

11 (8) Shall return to the resident, or the person who
12 executed the written authorization required in subsection (2)
13 of this Section, upon written request, all or any part of the
14 resident's funds given the facility for safekeeping, including
15 the interest accrued from deposits.

16 (9) Shall (a) place any monthly allowance to which a
17 resident is entitled in that resident's personal account, or
18 give it to the resident, unless the facility has written
19 authorization from the resident or the resident's guardian or
20 if the resident is a minor, his parent, to handle it
21 differently, (b) take all steps necessary to ensure that a
22 personal needs allowance that is placed in a resident's
23 personal account is used exclusively by the resident or for
24 the benefit of the resident, and (c) where such funds are
25 withdrawn from the resident's personal account by any person
26 other than the resident, require such person to whom funds

1 constituting any part of a resident's personal needs allowance
2 are released, to execute an affidavit that such funds shall be
3 used exclusively for the benefit of the resident.

4 (10) Unless otherwise provided by State law, upon the
5 death of a resident, shall provide the executor or
6 administrator of the resident's estate with a complete
7 accounting of all the resident's personal property, including
8 any funds of the resident being held by the facility.

9 (11) If an adult resident is incapable of managing his or
10 her funds and does not have a resident's representative,
11 guardian, or an immediate family member, shall notify the
12 Division Office of the State Guardian of the Department of
13 Disability Advocacy and Guardianship and Advocacy Commission.

14 (12) If the facility is sold, shall provide the buyer with
15 a written verification by a public accountant of all
16 residents' monies and properties being transferred, and obtain
17 a signed receipt from the new owner.

18 (Source: P.A. 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10.)

19 Section 10-80. The Hospital Licensing Act is amended by
20 changing Section 9.6 as follows:

21 (210 ILCS 85/9.6)

22 Sec. 9.6. Patient protection from abuse.

23 (a) No administrator, agent, or employee of a hospital or
24 a hospital affiliate, or a member of a hospital's medical

1 staff, may abuse a patient in the hospital or in a facility
2 operated by a hospital affiliate.

3 (b) Any hospital administrator, agent, employee, or
4 medical staff member, or an administrator, employee, or
5 physician employed by a hospital affiliate, who has reasonable
6 cause to believe that any patient with whom he or she has
7 direct contact has been subjected to abuse in the hospital or
8 hospital affiliate shall promptly report or cause a report to
9 be made to a designated hospital administrator responsible for
10 providing such reports to the Department as required by this
11 Section.

12 (c) Retaliation against a person who lawfully and in good
13 faith makes a report under this Section is prohibited.

14 (d) Upon receiving a report under subsection (b) of this
15 Section, the hospital or hospital affiliate shall submit the
16 report to the Department within 24 hours of obtaining such
17 report. In the event that the hospital receives multiple
18 reports involving a single alleged instance of abuse, the
19 hospital shall submit one report to the Department.

20 (e) Upon receiving a report under this Section, the
21 hospital or hospital affiliate shall promptly conduct an
22 internal review to ensure the alleged victim's safety.
23 Measures to protect the alleged victim shall be taken as
24 deemed necessary by the hospital's administrator and may
25 include, but are not limited to, removing suspected violators
26 from further patient contact during the hospital's or hospital

1 affiliate's internal review. If the alleged victim lacks
2 decision-making capacity under the Health Care Surrogate Act
3 and no health care surrogate is available, the hospital or
4 hospital affiliate may contact the Department of Disability
5 Advocacy and ~~Illinois~~ Guardianship and Advocacy Commission to
6 determine the need for a temporary guardian of that person.

7 (f) All internal hospital and hospital affiliate reviews
8 shall be conducted by a designated employee or agent who is
9 qualified to detect abuse and is not involved in the alleged
10 victim's treatment. All internal review findings must be
11 documented and filed according to hospital or hospital
12 affiliate procedures and shall be made available to the
13 Department upon request.

14 (g) Any other person may make a report of patient abuse to
15 the Department if that person has reasonable cause to believe
16 that a patient has been abused in the hospital or hospital
17 affiliate.

18 (h) The report required under this Section shall include:
19 the name of the patient; the name and address of the hospital
20 or hospital affiliate treating the patient; the age of the
21 patient; the nature of the patient's condition, including any
22 evidence of previous injuries or disabilities; and any other
23 information that the reporter believes might be helpful in
24 establishing the cause of the reported abuse and the identity
25 of the person believed to have caused the abuse.

26 (i) Except for willful or wanton misconduct, any

1 individual, person, institution, or agency participating in
2 good faith in the making of a report under this Section, or in
3 the investigation of such a report or in making a disclosure of
4 information concerning reports of abuse under this Section,
5 shall have immunity from any liability, whether civil,
6 professional, or criminal, that otherwise might result by
7 reason of such actions. For the purpose of any proceedings,
8 whether civil, professional, or criminal, the good faith of
9 any persons required to report cases of suspected abuse under
10 this Section or who disclose information concerning reports of
11 abuse in compliance with this Section, shall be presumed.

12 (j) No administrator, agent, or employee of a hospital or
13 hospital affiliate shall adopt or employ practices or
14 procedures designed to discourage good faith reporting of
15 patient abuse under this Section.

16 (k) Every hospital and hospital affiliate shall ensure
17 that all new and existing employees are trained in the
18 detection and reporting of abuse of patients and retrained at
19 least every 2 years thereafter.

20 (l) The Department shall investigate each report of
21 patient abuse made under this Section according to the
22 procedures of the Department, except that a report of abuse
23 which indicates that a patient's life or safety is in imminent
24 danger shall be investigated within 24 hours of such report.
25 Under no circumstances may a hospital's or hospital
26 affiliate's internal review of an allegation of abuse replace

1 an investigation of the allegation by the Department.

2 (m) The Department shall keep a continuing record of all
3 reports made pursuant to this Section, including indications
4 of the final determination of any investigation and the final
5 disposition of all reports. The Department shall inform the
6 investigated hospital or hospital affiliate and any other
7 person making a report under subsection (g) of its final
8 determination or disposition in writing.

9 (n) The Department shall not disclose to the public any
10 information regarding any reports and investigations under
11 this Section unless and until the report of abuse is
12 substantiated following a full and proper investigation.

13 (o) All patient identifiable information in any report or
14 investigation under this Section shall be confidential and
15 shall not be disclosed except as authorized by this Act or
16 other applicable law.

17 (p) Nothing in this Section relieves a hospital or
18 hospital affiliate administrator, employee, agent, or medical
19 staff member from contacting appropriate law enforcement
20 authorities as required by law.

21 (q) Nothing in this Section shall be construed to mean
22 that a patient is a victim of abuse because of health care
23 services provided or not provided by health care
24 professionals.

25 (r) Nothing in this Section shall require a hospital or
26 hospital affiliate, including its employees, agents, and

1 medical staff members, to provide any services to a patient in
2 contravention of his or her stated or implied objection
3 thereto upon grounds that such services conflict with his or
4 her religious beliefs or practices, nor shall such a patient
5 be considered abused under this Section for the exercise of
6 such beliefs or practices.

7 (s) The Department's implementation of this Section is
8 subject to appropriations to the Department for that purpose.

9 (t) As used in this Section, the following terms have the
10 following meanings:

11 "Abuse" means any physical or mental injury or sexual
12 abuse intentionally inflicted by a hospital or hospital
13 affiliate employee, agent, or medical staff member on a
14 patient of the hospital or hospital affiliate and does not
15 include any hospital or hospital affiliate, medical, health
16 care, or other personal care services done in good faith in the
17 interest of the patient according to established medical and
18 clinical standards of care.

19 "Hospital affiliate" has the meaning given to that term in
20 Section 10.8.

21 "Mental injury" means intentionally caused emotional
22 distress in a patient from words or gestures that would be
23 considered by a reasonable person to be humiliating,
24 harassing, or threatening and which causes observable and
25 substantial impairment.

26 "Sexual abuse" means any intentional act of sexual contact

1 or sexual penetration of a patient in the hospital.

2 "Substantiated", with respect to a report of abuse, means
3 that a preponderance of the evidence indicates that abuse
4 occurred.

5 (Source: P.A. 103-803, eff. 1-1-25.)

6 Section 10-85. The Illinois Public Aid Code is amended by
7 changing Section 3-1.2 as follows:

8 (305 ILCS 5/3-1.2) (from Ch. 23, par. 3-1.2)

9 Sec. 3-1.2. Need.

10 (a) Income available to the person, when added to
11 contributions in money, substance, or services from other
12 sources, including contributions from legally responsible
13 relatives, must be insufficient to equal the grant amount
14 established by Department regulation for such person. In
15 determining earned income to be taken into account,
16 consideration shall be given to any expenses reasonably
17 attributable to the earning of such income. If federal law or
18 regulations permit or require exemption of earned or other
19 income and resources, the Illinois Department shall provide by
20 rule and regulation that the amount of income to be
21 disregarded be increased (1) to the maximum extent so required
22 and (2) to the maximum extent permitted by federal law or
23 regulation in effect as of the date this amendatory Act
24 becomes law. The Illinois Department may also provide by rule

1 and regulation that the amount of resources to be disregarded
2 be increased to the maximum extent so permitted or required.

3 (b) Subject to federal approval, resources (for example,
4 land, buildings, equipment, supplies, or tools), including
5 farmland property and personal property used in the
6 income-producing operations related to the farmland (for
7 example, equipment and supplies, motor vehicles, or tools),
8 necessary for self-support, up to \$6,000 of the person's
9 equity in the income-producing property, provided that the
10 property produces a net annual income of at least 6% of the
11 excluded equity value of the property, are exempt. Equity
12 value in excess of \$6,000 shall not be excluded. If the
13 activity produces income that is less than 6% of the exempt
14 equity due to reasons beyond the person's control (for
15 example, the person's illness or crop failure) and there is a
16 reasonable expectation that the property will again produce
17 income equal to or greater than 6% of the equity value (for
18 example, a medical prognosis that the person is expected to
19 respond to treatment or that drought-resistant corn will be
20 planted), the equity value in the property up to \$6,000 is
21 exempt. If the person owns more than one piece of property and
22 each produces income, each piece of property shall be looked
23 at to determine whether the 6% rule is met, and then the
24 amounts of the person's equity in all of those properties
25 shall be totaled to determine whether the total equity is
26 \$6,000 or less. The total equity value of all properties that

1 is exempt shall be limited to \$6,000.

2 (c) In determining the resources of an individual or any
3 dependents, the Department shall exclude from consideration
4 the value of funeral and burial spaces, funeral and burial
5 insurance the proceeds of which can only be used to pay the
6 funeral and burial expenses of the insured and funds
7 specifically set aside for the funeral and burial arrangements
8 of the individual or his or her dependents, including prepaid
9 funeral and burial plans, to the same extent that such items
10 are excluded from consideration under the federal Supplemental
11 Security Income program (SSI). At any time prior to or after
12 submitting an application for medical assistance and before a
13 final determination of eligibility has been made by the
14 Department, an applicant may use available resources to
15 purchase one of the prepaid funeral or burial contracts
16 exempted under this Section.

17 Prepaid funeral or burial contracts are exempt to the
18 following extent:

19 (1) Funds in a revocable prepaid funeral or burial
20 contract are exempt up to \$1,500, except that any portion
21 of a contract that clearly represents the purchase of
22 burial space, as that term is defined for purposes of the
23 Supplemental Security Income program, is exempt regardless
24 of value.

25 (2) Funds in an irrevocable prepaid funeral or burial
26 contract are exempt up to \$7,248, except that any portion

1 of a contract that clearly represents the purchase of
2 burial space, as that term is defined for purposes of the
3 Supplemental Security Income program, is exempt regardless
4 of value. This amount shall be adjusted annually for any
5 increase in the Consumer Price Index. The amount exempted
6 shall be limited to the price of the funeral goods and
7 services to be provided upon death. The contract must
8 provide a complete description of the funeral goods and
9 services to be provided and the price thereof. Any amount
10 in the contract not so specified shall be treated as a
11 transfer of assets for less than fair market value.

12 (3) A prepaid, guaranteed-price funeral or burial
13 contract, funded by an irrevocable assignment of a
14 person's life insurance policy to a trust or a funeral
15 home, is exempt. The amount exempted shall be limited to
16 the amount of the insurance benefit designated for the
17 cost of the funeral goods and services to be provided upon
18 the person's death. The contract must provide a complete
19 description of the funeral goods and services to be
20 provided and the price thereof. Any amount in the contract
21 not so specified shall be treated as a transfer of assets
22 for less than fair market value. The trust must include a
23 statement that, upon the death of the person, the State
24 will receive all amounts remaining in the trust, including
25 any remaining payable proceeds under the insurance policy
26 up to an amount equal to the total medical assistance paid

1 on behalf of the person. The trust is responsible for
2 ensuring that the provider of funeral services under the
3 contract receives the proceeds of the policy when it
4 provides the funeral goods and services specified under
5 the contract. The irrevocable assignment of ownership of
6 the insurance policy must be acknowledged by the insurance
7 company.

8 (4) Existing life insurance policies are exempt if
9 there has been an irrevocable assignment in compliance
10 with Section 2b of the Illinois Funeral or Burial Funds
11 Act. A person shall sign a contract with a funeral home,
12 which is licensed under the Illinois Funeral or Burial
13 Funds Act, that describes the cost of the funeral goods
14 and services to be provided upon the person's death, up to
15 \$7,248, except that any portion of a contract that clearly
16 represents the purchase of burial space, as that term is
17 defined for purposes of the Supplemental Security Income
18 program, is exempt regardless of value. This amount shall
19 be adjusted annually for any increase in the Consumer
20 Price Index. The contract must provide a complete
21 description of the goods and services and any cash
22 advances to be provided and the price thereof. The person
23 shall sign an irrevocable designation of beneficiary form
24 declaring that any amounts payable from the policies not
25 used for goods and services and any cash advances as set
26 forth in the contract shall be received by the State, up to

1 an amount equal to the total medical assistance paid on
2 behalf of the person; any funds remaining after payment to
3 the State shall be paid to a secondary beneficiary (if
4 any) listed on the policy, or to the estate of the
5 purchaser if no secondary beneficiary is named on the
6 policy in the event the proceeds exceed the prearranged
7 costs of merchandise and services and any cash advances
8 and the total medical assistance paid on behalf of the
9 insured. More than one policy may be subject to this
10 subsection if the total face value of the policies is
11 necessary to pay the amount described in the contract with
12 the funeral home; policies that are not necessary to pay
13 the amount described in the contract are not exempt. The
14 licensed funeral home to which the life insurance policy
15 benefits have been irrevocably assigned shall retain
16 copies for inspection by the Comptroller and shall report
17 annually to the Comptroller the following: the name of the
18 insured, the name of the insurance company and policy
19 number, an itemized account of the amount of the contract
20 for goods and services and any cash advances provided, and
21 the current value of the policy of benefits designated
22 with a record of all amounts paid back to the State or
23 other beneficiary. The Department of Healthcare and Family
24 Services shall adopt rules and forms to implement this
25 Section.

26 (d) Notwithstanding any other provision of this Code to

1 the contrary, an irrevocable trust containing the resources of
2 a person who is determined to have a disability shall be
3 considered exempt from consideration. A pooled trust must be
4 established and managed by a non-profit association that pools
5 funds but maintains a separate account for each beneficiary.
6 The trust may be established by the person, a parent,
7 grandparent, legal guardian, or court. It must be established
8 for the sole benefit of the person and language contained in
9 the trust shall stipulate that any amount remaining in the
10 trust (up to the amount expended by the Department on medical
11 assistance) that is not retained by the trust for reasonable
12 administrative costs related to wrapping up the affairs of the
13 subaccount shall be paid to the Department upon the death of
14 the person. After a person reaches age 65, any funding by or on
15 behalf of the person to the trust shall be treated as a
16 transfer of assets for less than fair market value unless the
17 person is a ward of a county public guardian or the Division of
18 State Guardian pursuant to Section 13-5 of the Probate Act of
19 1975 or Section 30 of the Guardianship and Advocacy Act and
20 lives in the community, or the person is a ward of a county
21 public guardian or the Division of State Guardian pursuant to
22 Section 13-5 of the Probate Act of 1975 or Section 30 of the
23 Guardianship and Advocacy Act and a court has found that any
24 expenditures from the trust will maintain or enhance the
25 person's quality of life. If the trust contains proceeds from
26 a personal injury settlement, any Department charge must be

1 satisfied in order for the transfer to the trust to be treated
2 as a transfer for fair market value.

3 (e) The homestead shall be exempt from consideration
4 except to the extent that it meets the income and shelter needs
5 of the person. "Homestead" means the dwelling house and
6 contiguous real estate owned and occupied by the person,
7 regardless of its value. Subject to federal approval, a person
8 shall not be eligible for long-term care services, however, if
9 the person's equity interest in his or her homestead exceeds
10 the minimum home equity as allowed and increased annually
11 under federal law. Subject to federal approval, on and after
12 the effective date of this amendatory Act of the 97th General
13 Assembly, homestead property transferred to a trust shall no
14 longer be considered homestead property.

15 (f) Occasional or irregular gifts in cash, goods or
16 services from persons who are not legally responsible
17 relatives which are of nominal value or which do not have
18 significant effect in meeting essential requirements shall be
19 disregarded.

20 (g) The eligibility of any applicant for or recipient of
21 public aid under this Article is not affected by the payment of
22 any grant under the "Senior Citizens and Disabled Persons
23 Property Tax Relief Act" or any distributions or items of
24 income described under subparagraph (X) of paragraph (2) of
25 subsection (a) of Section 203 of the Illinois Income Tax Act.

26 (h) The Illinois Department may, after appropriate

1 investigation, establish and implement a consolidated standard
2 to determine need and eligibility for and amount of benefits
3 under this Article or a uniform cash supplement to the federal
4 Supplemental Security Income program for all or any part of
5 the then current recipients under this Article; provided,
6 however, that the establishment or implementation of such a
7 standard or supplement shall not result in reductions in
8 benefits under this Article for the then current recipients of
9 such benefits.

10 (i) The provisions under paragraph (4) of subsection (c)
11 are subject to federal approval. The Department of Healthcare
12 and Family Services shall apply for any necessary federal
13 waivers or approvals to implement by January 1, 2023 the
14 changes made to this Section by this amendatory Act of the
15 102nd General Assembly.

16 (Source: P.A. 102-959, eff. 5-27-22.)

17 Section 10-90. The Adult Protective Services Act is
18 amended by changing Sections 2 and 3.5 as follows:

19 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

22 (a) "Abandonment" means the desertion or willful forsaking
23 of an eligible adult by an individual responsible for the care
24 and custody of that eligible adult under circumstances in

1 which a reasonable person would continue to provide care and
2 custody. Nothing in this Act shall be construed to mean that an
3 eligible adult is a victim of abandonment because of health
4 care services provided or not provided by licensed health care
5 professionals.

6 (a-1) "Abuse" means causing any physical, mental or sexual
7 injury to an eligible adult, including exploitation of such
8 adult's financial resources, and abandonment or subjecting an
9 eligible adult to an environment which creates a likelihood of
10 harm to the eligible adult's health, physical and emotional
11 well-being, or welfare.

12 Nothing in this Act shall be construed to mean that an
13 eligible adult is a victim of abuse, abandonment, neglect, or
14 self-neglect for the sole reason that he or she is being
15 furnished with or relies upon treatment by spiritual means
16 through prayer alone, in accordance with the tenets and
17 practices of a recognized church or religious denomination.

18 Nothing in this Act shall be construed to mean that an
19 eligible adult is a victim of abuse because of health care
20 services provided or not provided by licensed health care
21 professionals.

22 Nothing in this Act shall be construed to mean that an
23 eligible adult is a victim of abuse in cases of criminal
24 activity by strangers, telemarketing scams, consumer fraud,
25 internet fraud, home repair disputes, complaints against a
26 homeowners' association, or complaints between landlords and

1 tenants.

2 (a-5) "Abuser" means a person who is a family member,
3 caregiver, or another person who has a continuing relationship
4 with the eligible adult and abuses, abandons, neglects, or
5 financially exploits an eligible adult.

6 (a-6) "Adult with disabilities" means a person aged 18
7 through 59 who resides in a domestic living situation and
8 whose disability as defined in subsection (c-5) impairs his or
9 her ability to seek or obtain protection from abuse,
10 abandonment, neglect, or exploitation.

11 (a-7) "Caregiver" means a person who either as a result of
12 a family relationship, voluntarily, or in exchange for
13 compensation has assumed responsibility for all or a portion
14 of the care of an eligible adult who needs assistance with
15 activities of daily living or instrumental activities of daily
16 living.

17 (b) "Department" means the Department on Aging of the
18 State of Illinois.

19 (c) "Director" means the Director of the Department.

20 (c-5) "Disability" means a physical or mental disability,
21 including, but not limited to, a developmental disability, an
22 intellectual disability, a mental illness as defined under the
23 Mental Health and Developmental Disabilities Code, or dementia
24 as defined under the Alzheimer's Disease Assistance Act.

25 (d) "Domestic living situation" means a residence where
26 the eligible adult at the time of the report lives alone or

1 with his or her family or a caregiver, or others, or other
2 community-based unlicensed facility, but is not:

3 (1) A licensed facility as defined in Section 1-113 of
4 the Nursing Home Care Act;

5 (1.5) A facility licensed under the ID/DD Community
6 Care Act;

7 (1.6) A facility licensed under the MC/DD Act;

8 (1.7) A facility licensed under the Specialized Mental
9 Health Rehabilitation Act of 2013;

10 (2) A "life care facility" as defined in the Life Care
11 Facilities Act;

12 (3) A home, institution, or other place operated by
13 the federal government or agency thereof or by the State
14 of Illinois;

15 (4) A hospital, sanitarium, or other institution, the
16 principal activity or business of which is the diagnosis,
17 care, and treatment of human illness through the
18 maintenance and operation of organized facilities
19 therefor, which is required to be licensed under the
20 Hospital Licensing Act;

21 (5) A "community living facility" as defined in the
22 Community Living Facilities Licensing Act;

23 (6) (Blank);

24 (7) A "community-integrated living arrangement" as
25 defined in the Community-Integrated Living Arrangements
26 Licensure and Certification Act or a "community

1 residential alternative" as licensed under that Act;

2 (8) An assisted living or shared housing establishment
3 as defined in the Assisted Living and Shared Housing Act;
4 or

5 (9) A supportive living facility as described in
6 Section 5-5.01a of the Illinois Public Aid Code.

7 (e) "Eligible adult" means either an adult with
8 disabilities aged 18 through 59 or a person aged 60 or older
9 who resides in a domestic living situation and is, or is
10 alleged to be, abused, abandoned, neglected, or financially
11 exploited by another individual or who neglects himself or
12 herself. "Eligible adult" also includes an adult who resides
13 in any of the facilities that are excluded from the definition
14 of "domestic living situation" under paragraphs (1) through
15 (9) of subsection (d), if either: (i) the alleged abuse,
16 abandonment, or neglect occurs outside of the facility and not
17 under facility supervision and the alleged abuser is a family
18 member, caregiver, or another person who has a continuing
19 relationship with the adult; or (ii) the alleged financial
20 exploitation is perpetrated by a family member, caregiver, or
21 another person who has a continuing relationship with the
22 adult, but who is not an employee of the facility where the
23 adult resides.

24 (f) "Emergency" means a situation in which an eligible
25 adult is living in conditions presenting a risk of death or
26 physical, mental or sexual injury and the provider agency has

1 reason to believe the eligible adult is unable to consent to
2 services which would alleviate that risk.

3 (f-1) "Financial exploitation" means the use of an
4 eligible adult's resources by another to the disadvantage of
5 that adult or the profit or advantage of a person other than
6 that adult.

7 (f-3) "Investment advisor" means any person required to
8 register as an investment adviser or investment adviser
9 representative under Section 8 of the Illinois Securities Law
10 of 1953, which for purposes of this Act excludes any bank,
11 trust company, savings bank, or credit union, or their
12 respective employees.

13 (f-5) "Mandated reporter" means any of the following
14 persons while engaged in carrying out their professional
15 duties:

16 (1) a professional or professional's delegate while
17 engaged in: (i) social services, (ii) law enforcement,
18 (iii) education, (iv) the care of an eligible adult or
19 eligible adults, or (v) any of the occupations required to
20 be licensed under the Behavior Analyst Licensing Act, the
21 Clinical Psychologist Licensing Act, the Clinical Social
22 Work and Social Work Practice Act, the Illinois Dental
23 Practice Act, the Dietitian Nutritionist Practice Act, the
24 Marriage and Family Therapy Licensing Act, the Medical
25 Practice Act of 1987, the Naprapathic Practice Act, the
26 Nurse Practice Act, the Nursing Home Administrators

1 Licensing and Disciplinary Act, the Illinois Occupational
2 Therapy Practice Act, the Illinois Optometric Practice Act
3 of 1987, the Pharmacy Practice Act, the Illinois Physical
4 Therapy Act, the Physician Assistant Practice Act of 1987,
5 the Podiatric Medical Practice Act of 1987, the
6 Respiratory Care Practice Act, the Professional Counselor
7 and Clinical Professional Counselor Licensing and Practice
8 Act, the Illinois Speech-Language Pathology and Audiology
9 Practice Act, the Veterinary Medicine and Surgery Practice
10 Act of 2004, and the Illinois Public Accounting Act;

11 (1.5) an employee of an entity providing developmental
12 disabilities services or service coordination funded by
13 the Department of Human Services;

14 (2) an employee of a vocational rehabilitation
15 facility prescribed or supervised by the Department of
16 Human Services;

17 (3) an administrator, employee, or person providing
18 services in or through an unlicensed community based
19 facility;

20 (4) any religious practitioner who provides treatment
21 by prayer or spiritual means alone in accordance with the
22 tenets and practices of a recognized church or religious
23 denomination, except as to information received in any
24 confession or sacred communication enjoined by the
25 discipline of the religious denomination to be held
26 confidential;

1 (5) field personnel of the Department of Healthcare
2 and Family Services, Department of Public Health, and
3 Department of Human Services, and any county or municipal
4 health department;

5 (6) personnel of the Department of Human Services, the
6 Department of Disability Advocacy and Guardianship ~~and~~
7 ~~Advocacy Commission~~, the State Fire Marshal, local fire
8 departments, the Department on Aging and its subsidiary
9 Area Agencies on Aging and provider agencies, except the
10 State Long Term Care Ombudsman and any of his or her
11 representatives or volunteers where prohibited from making
12 such a report pursuant to 45 CFR 1324.11(e) (3) (iv);

13 (7) any employee of the State of Illinois not
14 otherwise specified herein who is involved in providing
15 services to eligible adults, including professionals
16 providing medical or rehabilitation services and all other
17 persons having direct contact with eligible adults;

18 (8) a person who performs the duties of a coroner or
19 medical examiner;

20 (9) a person who performs the duties of a paramedic or
21 an emergency medical technician; or

22 (10) a person who performs the duties of an investment
23 advisor.

24 (g) "Neglect" means another individual's failure to
25 provide an eligible adult with or willful withholding from an
26 eligible adult the necessities of life including, but not

1 limited to, food, clothing, shelter or health care. This
2 subsection does not create any new affirmative duty to provide
3 support to eligible adults. Nothing in this Act shall be
4 construed to mean that an eligible adult is a victim of neglect
5 because of health care services provided or not provided by
6 licensed health care professionals.

7 (h) "Provider agency" means any public or nonprofit agency
8 in a planning and service area that is selected by the
9 Department or appointed by the regional administrative agency
10 with prior approval by the Department on Aging to receive and
11 assess reports of alleged or suspected abuse, abandonment,
12 neglect, or financial exploitation. A provider agency is also
13 referenced as a "designated agency" in this Act.

14 (i) "Regional administrative agency" means any public or
15 nonprofit agency in a planning and service area that provides
16 regional oversight and performs functions as set forth in
17 subsection (b) of Section 3 of this Act. The Department shall
18 designate an Area Agency on Aging as the regional
19 administrative agency or, in the event the Area Agency on
20 Aging in that planning and service area is deemed by the
21 Department to be unwilling or unable to provide those
22 functions, the Department may serve as the regional
23 administrative agency or designate another qualified entity to
24 serve as the regional administrative agency; any such
25 designation shall be subject to terms set forth by the
26 Department.

1 (i-5) "Self-neglect" means a condition that is the result
2 of an eligible adult's inability, due to physical or mental
3 impairments, or both, or a diminished capacity, to perform
4 essential self-care tasks that substantially threaten his or
5 her own health, including: providing essential food, clothing,
6 shelter, and health care; and obtaining goods and services
7 necessary to maintain physical health, mental health,
8 emotional well-being, and general safety. The term includes
9 compulsive hoarding, which is characterized by the acquisition
10 and retention of large quantities of items and materials that
11 produce an extensively cluttered living space, which
12 significantly impairs the performance of essential self-care
13 tasks or otherwise substantially threatens life or safety.

14 (j) "Substantiated case" means a reported case of alleged
15 or suspected abuse, abandonment, neglect, financial
16 exploitation, or self-neglect in which a provider agency,
17 after assessment, determines that there is reason to believe
18 abuse, abandonment, neglect, or financial exploitation has
19 occurred.

20 (k) "Verified" means a determination that there is "clear
21 and convincing evidence" that the specific injury or harm
22 alleged was the result of abuse, abandonment, neglect, or
23 financial exploitation.

24 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22;
25 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)

1 (320 ILCS 20/3.5)

2 Sec. 3.5. Other responsibilities. The Department shall
3 also be responsible for the following activities, contingent
4 upon adequate funding; implementation shall be expanded to
5 adults with disabilities upon the effective date of this
6 amendatory Act of the 98th General Assembly, except those
7 responsibilities under subsection (a), which shall be
8 undertaken as soon as practicable:

9 (a) promotion of a wide range of endeavors for the
10 purpose of preventing abuse, abandonment, neglect,
11 financial exploitation, and self-neglect, including, but
12 not limited to, promotion of public and professional
13 education to increase awareness of abuse, abandonment,
14 neglect, financial exploitation, and self-neglect; to
15 increase reports; to establish access to and use of the
16 Registry established under Section 7.5; and to improve
17 response by various legal, financial, social, and health
18 systems;

19 (b) coordination of efforts with other agencies,
20 councils, and like entities, to include but not be limited
21 to, the Administrative Office of the Illinois Courts, the
22 Office of the Attorney General, the Illinois State Police,
23 the Illinois Law Enforcement Training Standards Board, the
24 State Triad, the Illinois Criminal Justice Information
25 Authority, the Departments of Public Health, Healthcare
26 and Family Services, and Human Services, the Department of

1 Disability Advocacy and Illinois Guardianship and Advocacy
2 ~~Commission~~, the Family Violence Coordinating Council, the
3 Illinois Violence Prevention Authority, and other entities
4 which may impact awareness of, and response to, abuse,
5 abandonment, neglect, financial exploitation, and
6 self-neglect;

7 (c) collection and analysis of data;

8 (d) monitoring of the performance of regional
9 administrative agencies and adult protective services
10 agencies;

11 (e) promotion of prevention activities;

12 (f) establishing and coordinating an aggressive
13 training program on the unique nature of adult abuse cases
14 with other agencies, councils, and like entities, to
15 include but not be limited to the Office of the Attorney
16 General, the Illinois State Police, the Illinois Law
17 Enforcement Training Standards Board, the State Triad, the
18 Illinois Criminal Justice Information Authority, the State
19 Departments of Public Health, Healthcare and Family
20 Services, and Human Services, the Family Violence
21 Coordinating Council, the Illinois Violence Prevention
22 Authority, the agency designated by the Governor under
23 Section 1 of the Protection and Advocacy for Persons with
24 Developmental Disabilities Act, and other entities that
25 may impact awareness of and response to abuse,
26 abandonment, neglect, financial exploitation, and

1 self-neglect;

2 (g) solicitation of financial institutions for the
3 purpose of making information available to the general
4 public warning of financial exploitation of adults and
5 related financial fraud or abuse, including such
6 information and warnings available through signage or
7 other written materials provided by the Department on the
8 premises of such financial institutions, provided that the
9 manner of displaying or distributing such information is
10 subject to the sole discretion of each financial
11 institution; and

12 (g-1) developing by joint rulemaking with the
13 Department of Financial and Professional Regulation
14 minimum training standards which shall be used by
15 financial institutions for their current and new employees
16 with direct customer contact; the Department of Financial
17 and Professional Regulation shall retain sole visitation
18 and enforcement authority under this subsection (g-1); the
19 Department of Financial and Professional Regulation shall
20 provide bi-annual reports to the Department setting forth
21 aggregate statistics on the training programs required
22 under this subsection (g-1).

23 (Source: P.A. 102-244, eff. 1-1-22; 102-538, eff. 8-20-21;
24 102-813, eff. 5-13-22; 103-626, eff. 1-1-25.)

25 Section 10-95. The Mental Health and Developmental

1 Disabilities Code is amended by changing Sections 2-103,
2 2-108, 2-109, 2-114, 2-200, 2-201, 3-206, 3-405, 3-805, 3-910,
3 4-201.1, 4-203, 4-605, and 5-100 as follows:

4 (405 ILCS 5/2-103) (from Ch. 91 1/2, par. 2-103)

5 Sec. 2-103. Except as provided in this Section, a
6 recipient who resides in a mental health or developmental
7 disabilities facility shall be permitted unimpeded, private,
8 and uncensored communication with persons of his choice by
9 mail, telephone and visitation.

10 (a) The facility director shall ensure that correspondence
11 can be conveniently received and mailed, that telephones are
12 reasonably accessible, and that space for visits is available.
13 Writing materials, postage and telephone usage funds shall be
14 provided in reasonable amounts to recipients who reside in
15 Department facilities and who are unable to procure such
16 items.

17 (b) Reasonable times and places for the use of telephones
18 and for visits may be established in writing by the facility
19 director.

20 (c) Unimpeded, private and uncensored communication by
21 mail, telephone, and visitation may be reasonably restricted
22 by the facility director only in order to protect the
23 recipient or others from harm, harassment or intimidation,
24 provided that notice of such restriction shall be given to all
25 recipients upon admission. When communications are restricted,

1 the facility shall advise the recipient that he has the right
2 to require the facility to notify the affected parties of the
3 restriction, and to notify such affected party when the
4 restrictions are no longer in effect. However, all letters
5 addressed by a recipient to the Governor, members of the
6 General Assembly, Attorney General, judges, state's attorneys,
7 the Department of Disability Advocacy and Guardianship and
8 ~~Advocacy Commission~~, or the Agency designated pursuant to "An
9 Act in relation to the protection and advocacy of the rights of
10 persons with developmental disabilities, and amending Acts
11 therein named", approved September 20, 1985, officers of the
12 Department, or licensed attorneys at law must be forwarded at
13 once to the persons to whom they are addressed without
14 examination by the facility authorities. Letters in reply from
15 the officials and attorneys mentioned above must be delivered
16 to the recipient without examination by the facility
17 authorities.

18 (d) No facility shall prevent any attorney who represents
19 a recipient or who has been requested to do so by any relative
20 or family member of the recipient, from visiting a recipient
21 during normal business hours, unless that recipient refuses to
22 meet with the attorney.

23 (e) Whenever, as the result of the closing or the
24 reduction in the number of units or available beds of any
25 mental health facility operated by the Department of Human
26 Services, the State determines to enter into a contract with

1 any mental health facility to provide hospitalization to
2 persons who would otherwise be served by the State-operated
3 mental health facility, the resident shall be entitled to the
4 same rights under this Section.

5 (Source: P.A. 97-1007, eff. 8-17-12.)

6 (405 ILCS 5/2-108) (from Ch. 91 1/2, par. 2-108)

7 Sec. 2-108. Use of restraint. Restraint may be used only
8 as a therapeutic measure to prevent a recipient from causing
9 physical harm to himself or physical abuse to others.
10 Restraint may only be applied by a person who has been trained
11 in the application of the particular type of restraint to be
12 utilized. In no event shall restraint be utilized to punish or
13 discipline a recipient, nor is restraint to be used as a
14 convenience for the staff.

15 (a) Except as provided in this Section, restraint shall be
16 employed only upon the written order of a physician, clinical
17 psychologist, clinical social worker, clinical professional
18 counselor, advanced practice psychiatric nurse, or registered
19 nurse with supervisory responsibilities. No restraint shall be
20 ordered unless the physician, clinical psychologist, clinical
21 social worker, clinical professional counselor, advanced
22 practice psychiatric nurse, or registered nurse with
23 supervisory responsibilities, after personally observing and
24 examining the recipient, is clinically satisfied that the use
25 of restraint is justified to prevent the recipient from

1 causing physical harm to himself or others. In no event may
2 restraint continue for longer than 2 hours unless within that
3 time period a nurse with supervisory responsibilities,
4 advanced practice psychiatric nurse, or a physician confirms,
5 in writing, following a personal examination of the recipient,
6 that the restraint does not pose an undue risk to the
7 recipient's health in light of the recipient's physical or
8 medical condition. The order shall state the events leading up
9 to the need for restraint and the purposes for which restraint
10 is employed. The order shall also state the length of time
11 restraint is to be employed and the clinical justification for
12 that length of time. No order for restraint shall be valid for
13 more than 16 hours. If further restraint is required, a new
14 order must be issued pursuant to the requirements provided in
15 this Section.

16 (b) In the event there is an emergency requiring the
17 immediate use of restraint, it may be ordered temporarily by a
18 qualified person only where a physician, clinical
19 psychologist, clinical social worker, clinical professional
20 counselor, advanced practice psychiatric nurse, or registered
21 nurse with supervisory responsibilities is not immediately
22 available. In that event, an order by a nurse, clinical
23 psychologist, clinical social worker, clinical professional
24 counselor, advanced practice psychiatric nurse, or physician
25 shall be obtained pursuant to the requirements of this Section
26 as quickly as possible, and the recipient shall be examined by

1 a physician or supervisory nurse within 2 hours after the
2 initial employment of the emergency restraint. Whoever orders
3 restraint in emergency situations shall document its necessity
4 and place that documentation in the recipient's record.

5 (c) The person who orders restraint shall inform the
6 facility director or his designee in writing of the use of
7 restraint within 24 hours.

8 (d) The facility director shall review all restraint
9 orders daily and shall inquire into the reasons for the orders
10 for restraint by any person who routinely orders them.

11 (e) Restraint may be employed during all or part of one
12 24-hour ~~24-hour~~ period, the period commencing with the initial
13 application of the restraint. However, once restraint has been
14 employed during one 24-hour ~~24-hour~~ period, it shall not be
15 used again on the same recipient during the next 48 hours
16 without the prior written authorization of the facility
17 director.

18 (f) Restraint shall be employed in a humane and
19 therapeutic manner and the person being restrained shall be
20 observed by a qualified person as often as is clinically
21 appropriate but in no event less than once every 15 minutes.
22 The qualified person shall maintain a record of the
23 observations. Specifically, unless there is an immediate
24 danger that the recipient will physically harm himself or
25 others, restraint shall be loosely applied to permit freedom
26 of movement. Further, the recipient shall be permitted to have

1 regular meals and toilet privileges free from the restraint,
2 except when freedom of action may result in physical harm to
3 the recipient or others.

4 (g) Every facility that employs restraint shall provide
5 training in the safe and humane application of each type of
6 restraint employed. The facility shall not authorize the use
7 of any type of restraint by an employee who has not received
8 training in the safe and humane application of that type of
9 restraint. Each facility in which restraint is used shall
10 maintain records detailing which employees have been trained
11 and are authorized to apply restraint, the date of the
12 training and the type of restraint that the employee was
13 trained to use.

14 (h) Whenever restraint is imposed upon any recipient whose
15 primary mode of communication is sign language, the recipient
16 shall be permitted to have his hands free from restraint for
17 brief periods each hour, except when freedom may result in
18 physical harm to the recipient or others.

19 (i) A recipient who is restrained may only be secluded at
20 the same time pursuant to an explicit written authorization as
21 provided in Section 2-109 of this Code. Whenever a recipient
22 is restrained, a member of the facility staff shall remain
23 with the recipient at all times unless the recipient has been
24 secluded. A recipient who is restrained and secluded shall be
25 observed by a qualified person as often as is clinically
26 appropriate but in no event less than every 15 minutes.

1 (j) Whenever restraint is used, the recipient shall be
2 advised of his right, pursuant to Sections 2-200 and 2-201 of
3 this Code, to have any person of his choosing, including the
4 Department of Disability Advocacy and Guardianship ~~and~~
5 ~~Advocacy Commission~~ or the agency designated pursuant to the
6 Protection and Advocacy for Persons with Developmental
7 Disabilities Act notified of the restraint. A recipient who is
8 under guardianship may request that any person of his choosing
9 be notified of the restraint whether or not the guardian
10 approves of the notice. Whenever the Department of Disability
11 Advocacy and Guardianship ~~and Advocacy Commission~~ is notified
12 that a recipient has been restrained, it shall contact that
13 recipient to determine the circumstances of the restraint and
14 whether further action is warranted.

15 (Source: P.A. 101-587, eff. 1-1-20.)

16 (405 ILCS 5/2-109) (from Ch. 91 1/2, par. 2-109)

17 Sec. 2-109. Seclusion. Seclusion may be used only as a
18 therapeutic measure to prevent a recipient from causing
19 physical harm to himself or physical abuse to others. In no
20 event shall seclusion be utilized to punish or discipline a
21 recipient, nor is seclusion to be used as a convenience for the
22 staff.

23 (a) Seclusion shall be employed only upon the written
24 order of a physician, clinical psychologist, clinical social
25 worker, clinical professional counselor, advanced practice

1 psychiatric nurse, or registered nurse with supervisory
2 responsibilities. No seclusion shall be ordered unless the
3 physician, clinical psychologist, clinical social worker,
4 clinical professional counselor, advanced practice psychiatric
5 nurse, or registered nurse with supervisory responsibilities,
6 after personally observing and examining the recipient, is
7 clinically satisfied that the use of seclusion is justified to
8 prevent the recipient from causing physical harm to himself or
9 others. In no event may seclusion continue for longer than 2
10 hours unless within that time period a nurse with supervisory
11 responsibilities, advanced practice psychiatric nurse, or a
12 physician confirms in writing, following a personal
13 examination of the recipient, that the seclusion does not pose
14 an undue risk to the recipient's health in light of the
15 recipient's physical or medical condition. The order shall
16 state the events leading up to the need for seclusion and the
17 purposes for which seclusion is employed. The order shall also
18 state the length of time seclusion is to be employed and the
19 clinical justification for the length of time. No order for
20 seclusion shall be valid for more than 16 hours. If further
21 seclusion is required, a new order must be issued pursuant to
22 the requirements provided in this Section.

23 (b) The person who orders seclusion shall inform the
24 facility director or his designee in writing of the use of
25 seclusion within 24 hours.

26 (c) The facility director shall review all seclusion

1 orders daily and shall inquire into the reasons for the orders
2 for seclusion by any person who routinely orders them.

3 (d) Seclusion may be employed during all or part of one
4 16-hour ~~16-hour~~ period, that period commencing with the
5 initial application of the seclusion. However, once seclusion
6 has been employed during one 16-hour ~~16-hour~~ period, it shall
7 not be used again on the same recipient during the next 48
8 hours without the prior written authorization of the facility
9 director.

10 (e) The person who ordered the seclusion shall assign a
11 qualified person to observe the recipient at all times. A
12 recipient who is restrained and secluded shall be observed by
13 a qualified person as often as is clinically appropriate but
14 in no event less than once every 15 minutes.

15 (f) Safety precautions shall be followed to prevent
16 injuries to the recipient in the seclusion room. Seclusion
17 rooms shall be adequately lighted, heated, and furnished. If a
18 door is locked, someone with a key shall be in constant
19 attendance nearby.

20 (g) Whenever seclusion is used, the recipient shall be
21 advised of his right, pursuant to Sections 2-200 and 2-201 of
22 this Code, to have any person of his choosing, including the
23 Department of Disability Advocacy and Guardianship and
24 ~~Advocacy Commission~~ notified of the seclusion. A person who is
25 under guardianship may request that any person of his choosing
26 be notified of the seclusion whether or not the guardian

1 approves of the notice. Whenever the Department of Disability
2 Advocacy and Guardianship ~~and Advocacy Commission~~ is notified
3 that a recipient has been secluded, it shall contact that
4 recipient to determine the circumstances of the seclusion and
5 whether further action is warranted.

6 (Source: P.A. 101-587, eff. 1-1-20.)

7 (405 ILCS 5/2-114) (from Ch. 91 1/2, par. 2-114)

8 Sec. 2-114. (a) Whenever an attorney or other advocate
9 from the Department of Disability Advocacy and Guardianship
10 ~~and Advocacy Commission~~ or the agency designated by the
11 Governor under Section 1 of the Protection and Advocacy for
12 Persons with Developmental Disabilities Act or any other
13 attorney advises a facility in which a recipient is receiving
14 inpatient mental health services that he is presently
15 representing the recipient, or has been appointed by any court
16 or administrative agency to do so or has been requested to
17 represent the recipient by a member of the recipient's family,
18 the facility shall, subject to the provisions of Section 2-113
19 of this Code, disclose to the attorney or advocate whether the
20 recipient is presently residing in the facility and, if so,
21 how the attorney or advocate may communicate with the
22 recipient.

23 (b) The facility may take reasonable precautions to
24 identify the attorney or advocate. No further information
25 shall be disclosed to the attorney or advocate except in

1 conformity with the authorization procedures contained in the
2 Mental Health and Developmental Disabilities Confidentiality
3 Act.

4 (c) Whenever the location of the recipient has been
5 disclosed to an attorney or advocate, the facility director
6 shall inform the recipient of that fact and shall note this
7 disclosure in the recipient's records.

8 (d) An attorney or advocate who receives any information
9 under this Section may not disclose this information to anyone
10 else without the written consent of the recipient obtained
11 pursuant to Section 5 of the Mental Health and Developmental
12 Disabilities Confidentiality Act.

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

14 (405 ILCS 5/2-200) (from Ch. 91 1/2, par. 2-200)

15 Sec. 2-200. (a) Upon commencement of services, or as soon
16 thereafter as the condition of the recipient permits, every
17 adult recipient, as well as the recipient's guardian or
18 substitute decision maker, and every recipient who is 12 years
19 of age or older and the parent or guardian of a minor or person
20 under guardianship shall be informed orally and in writing of
21 the rights guaranteed by this Chapter which are relevant to
22 the nature of the recipient's services program. The notice
23 shall include, if applicable, the recipient's right to request
24 a transfer to a different Department facility under Section
25 3-908. Every facility shall also post conspicuously in public

1 areas a summary of the rights which are relevant to the
2 services delivered by that facility as well as contact
3 information for the Department of Disability Advocacy and
4 Guardianship and Advocacy Commission and the agency designated
5 by the Governor under Section 1 of the Protection and Advocacy
6 for Persons with Developmental Disabilities Act.

7 (b) A recipient who is 12 years of age or older and the
8 parent or guardian of a minor or person under guardianship at
9 any time may designate, and upon commencement of services
10 shall be informed of the right to designate, a person or agency
11 to receive notice under Section 2-201 or to direct that no
12 information about the recipient be disclosed to any person or
13 agency.

14 (c) Upon commencement of services, or as soon thereafter
15 as the condition of the recipient permits, the facility shall
16 ask the adult recipient or minor recipient admitted pursuant
17 to Section 3-502 whether the recipient wants the facility to
18 contact the recipient's spouse, parents, guardian, close
19 relatives, friends, attorney, advocate from the Department of
20 Disability Advocacy and Guardianship and Advocacy Commission
21 or the agency designated by the Governor under Section 1 of the
22 Protection and Advocacy for Persons with Developmental
23 Disabilities Act, or others and inform them of the recipient's
24 presence at the facility. The facility shall by phone or by
25 mail contact at least two of those people designated by the
26 recipient and shall inform them of the recipient's location.

1 If the recipient so requests, the facility shall also inform
2 them of how to contact the recipient.

3 (d) Upon commencement of services, or as soon thereafter
4 as the condition of the recipient permits, the facility shall
5 advise the recipient as to the circumstances under which the
6 law permits the use of emergency forced medication or
7 electroconvulsive therapy under subsection (a) of Section
8 2-107, restraint under Section 2-108, or seclusion under
9 Section 2-109. At the same time, the facility shall inquire of
10 the recipient which form of intervention the recipient would
11 prefer if any of these circumstances should arise. The
12 recipient's preference shall be noted in the recipient's
13 record and communicated by the facility to the recipient's
14 guardian or substitute decision maker, if any, and any other
15 individual designated by the recipient. If any such
16 circumstances subsequently do arise, the facility shall give
17 due consideration to the preferences of the recipient
18 regarding which form of intervention to use as communicated to
19 the facility by the recipient or as stated in the recipient's
20 advance directive.

21 (Source: P.A. 102-593, eff. 8-27-21.)

22 (405 ILCS 5/2-201) (from Ch. 91 1/2, par. 2-201)

23 Sec. 2-201. (a) Whenever any rights of a recipient of
24 services that are specified in this Chapter are restricted,
25 the professional responsible for overseeing the implementation

1 of the recipient's services plan shall be responsible for
2 promptly giving notice of the restriction or use of restraint
3 or seclusion and the reason therefor to:

4 (1) the recipient and, if such recipient is a minor or
5 under guardianship, his parent or guardian;

6 (2) a person designated under subsection (b) of
7 Section 2-200 upon commencement of services or at any
8 later time to receive such notice;

9 (3) the facility director;

10 (4) the Department of Disability Advocacy and
11 Guardianship and Advocacy Commission, or the agency
12 designated under "An Act in relation to the protection and
13 advocacy of the rights of persons with developmental
14 disabilities, and amending Acts therein named", approved
15 September 20, 1985, if either is so designated; and

16 (5) the recipient's substitute decision maker, if any.

17 The professional shall also be responsible for promptly
18 recording such restriction or use of restraint or seclusion
19 and the reason therefor in the recipient's record.

20 (b) The facility director shall maintain a file of all
21 notices of restrictions of rights, or the use of restraint or
22 seclusion for the past 3 years. The facility director shall
23 allow the Department of Disability Advocacy and Guardianship
24 ~~and Advocacy Commission~~, the agency designated by the Governor
25 under Section 1 of "An Act in relation to the protection and
26 advocacy of the rights of persons with developmental

1 disabilities, and amending Acts therein named," approved
2 September 20, 1985, and the Department to examine and copy
3 such records upon request. Records obtained under this Section
4 shall not be further disclosed except pursuant to written
5 authorization of the recipient under Section 5 of the Mental
6 Health and Developmental Disabilities Confidentiality Act.

7 (Source: P.A. 91-726, eff. 6-2-00.)

8 (405 ILCS 5/3-206) (from Ch. 91 1/2, par. 3-206)

9 Sec. 3-206. Whenever a person is admitted or objects to
10 admission, and whenever a recipient is notified that his legal
11 status is to be changed, the facility director of the mental
12 health facility shall provide the person, if he is 12 or older,
13 with the address and phone number of the Department of
14 Disability Advocacy and Guardianship ~~and Advocacy Commission~~.
15 If the person requests, the facility director shall assist him
16 in contacting the Department of Disability Advocacy and
17 Guardianship ~~Commission~~.

18 (Source: P.A. 88-380.)

19 (405 ILCS 5/3-405) (from Ch. 91 1/2, par. 3-405)

20 Sec. 3-405. (a) If the facility director of a Department
21 mental health facility declines to admit a person seeking
22 admission under Articles III or IV of this Chapter, a review of
23 the denial may be requested by the person seeking admission
24 or, with his consent, by an interested person on his behalf.

1 Such a request may be made on behalf of a minor presented for
2 admission under Section 3-502, 3-503 or 3-504 by the minor's
3 attorney, by the parent, guardian or person in loco parentis
4 who executed the application for his admission, or by the
5 minor himself if he is 16 years of age or older. Whenever
6 admission to a Department facility is denied, the person
7 seeking admission shall immediately be given written notice of
8 the right to request review of the denial under this Section
9 and shall be provided, if he is 12 or older, with the address
10 and phone number of the Department of Disability Advocacy and
11 Guardianship and Advocacy Commission. If the person requests,
12 the facility director shall assist him in contacting the
13 Department of Disability Advocacy and Guardianship Commission.
14 A written request for review shall be submitted to the
15 director of the facility that denied admission within 14 days
16 of the denial. Upon receipt of the request, the facility
17 director shall promptly schedule a hearing to be held at the
18 denying facility within 7 days pursuant to Section 3-207.

19 (b) At the hearing the Department shall have the burden of
20 proving that the person denied admission does not meet the
21 standard set forth in the Section under which admission is
22 sought or that an appropriate alternative community treatment
23 program was available to meet the person's needs and was
24 offered. If the utilization review committee finds that the
25 decision denying admission is based upon substantial evidence,
26 it shall recommend that the denial of admission be upheld.

1 However, if it finds that the facility to which admission is
2 sought can provide adequate and appropriate treatment for the
3 person and no appropriate community alternative treatment is
4 available, it shall recommend that the person denied admission
5 be admitted. If it determines that another facility can
6 provide treatment appropriate to the clinical condition and
7 needs of the person denied admission, it may recommend that
8 the Department or other agency assist the person in obtaining
9 such treatment.

10 (Source: P.A. 91-726, eff. 6-2-00.)

11 (405 ILCS 5/3-805) (from Ch. 91 1/2, par. 3-805)

12 Sec. 3-805. Every respondent alleged to be subject to
13 involuntary admission on an inpatient or outpatient basis
14 shall be represented by counsel. If the respondent is indigent
15 or an appearance has not been entered on his behalf at the time
16 the matter is set for hearing, the court shall appoint counsel
17 for him. A hearing shall not proceed when a respondent is not
18 represented by counsel unless, after conferring with counsel,
19 the respondent requests to represent himself and the court is
20 satisfied that the respondent has the capacity to make an
21 informed waiver of his right to counsel. Counsel shall be
22 allowed time for adequate preparation and shall not be
23 prevented from conferring with the respondent at reasonable
24 times nor from making an investigation of the matters in issue
25 and presenting such relevant evidence as he believes is

1 necessary.

2 1. If the court determines that the respondent is unable
3 to obtain counsel, the court shall appoint as counsel an
4 attorney employed by or under contract with the Department of
5 Disability Advocacy and Guardianship ~~and Mental Health~~
6 ~~Advocacy Commission~~, if available.

7 2. If an attorney from the Department of Disability
8 Advocacy and Guardianship ~~and Mental Health Advocacy~~
9 ~~Commission~~ is not available, the court shall appoint as
10 counsel the public defender or, only if no public defender is
11 available, an attorney licensed to practice law in this State.

12 3. Upon filing with the court of a verified statement of
13 legal services rendered by the private attorney appointed
14 pursuant to paragraph (2) of this Section, the court shall
15 determine a reasonable fee for such services. If the
16 respondent is unable to pay the fee, the court shall enter an
17 order upon the county to pay the entire fee or such amount as
18 the respondent is unable to pay.

19 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

20 (405 ILCS 5/3-910) (from Ch. 91 1/2, par. 3-910)

21 Sec. 3-910. (a) Whenever a recipient who has been in a
22 Department facility for more than 7 days is to be transferred
23 to another facility under Section 3-908, the facility director
24 of the facility shall give written notice at least 14 days
25 before the transfer to the recipient, his attorney, guardian,

1 if any, and responsible relative. In the case of a minor,
2 notice shall be given to his attorney, to the parent,
3 guardian, or person in loco parentis who executed the
4 application for his admission, and to the minor himself if he
5 is 12 years of age or older. The notice shall include the
6 reasons for transfer, a statement of the right to object and
7 the address and phone number of the Department of Disability
8 Advocacy and Guardianship ~~and Advocacy Commission~~. If the
9 recipient requests, the facility director shall assist him in
10 contacting the Department of Disability Advocacy and
11 Guardianship ~~Commission~~.

12 (b) In an emergency, when the health of the recipient or
13 the physical safety of the recipient or others is imminently
14 imperiled and appropriate care is not available where the
15 recipient is located, a recipient may be immediately
16 transferred to another facility provided that notice of the
17 transfer is given as soon as possible but not more than 48
18 hours after transfer. The reason for the emergency shall be
19 noted in the recipient's record and specified in the notice.

20 (c) A recipient may object to his transfer or his
21 attorney, guardian, or responsible relative may object on his
22 behalf. In the case of a minor, his attorney, the person who
23 executed the application for admission, or the minor himself
24 if he is 12 years of age or older, may object to the transfer.
25 Prior to transfer or within 14 days after an emergency
26 transfer, a written objection shall be submitted to the

1 facility director of the facility where the recipient is
2 located. Upon receipt of an objection, the facility director
3 shall promptly schedule a hearing to be held within 7 days
4 pursuant to Section 3-207. The hearing shall be held at the
5 transferring facility except that when an emergency transfer
6 has taken place the hearing may be held at the receiving
7 facility. Except in an emergency, no transfer shall proceed
8 pending hearing on an objection.

9 (d) At the hearing the Department shall have the burden of
10 proving that the standard for transfer under Section 3-908 is
11 met. If the transfer is to a facility which is substantially
12 more physically restrictive than the transferring facility,
13 the Department shall also prove that the transfer is
14 reasonably required for the safety of the recipient or others.
15 If the utilization review committee finds that the Department
16 has sustained its burden and the decision to transfer is based
17 upon substantial evidence, it shall recommend that the
18 transfer proceed. If it does not so find, it shall recommend
19 that the recipient not be transferred.

20 (Source: P.A. 88-380.)

21 (405 ILCS 5/4-201.1) (from Ch. 91 1/2, par. 4-201.1)

22 Sec. 4-201.1. (a) A person residing in a Department mental
23 health facility who is evaluated as having a mild or moderate
24 intellectual disability, an attorney or advocate representing
25 the person, or a guardian of such person may object to the

1 Department facility director's certification required in
2 Section 4-201, the treatment and habilitation plan, or
3 appropriateness of setting, and obtain an administrative
4 decision requiring revision of a treatment or habilitation
5 plan or change of setting, by utilization review as provided
6 in Sections 3-207 and 4-209 of this Code. As part of this
7 utilization review, the Committee shall include as one of its
8 members a qualified intellectual disabilities professional.

9 (b) The mental health facility director shall give written
10 notice to each person evaluated as having a mild or moderate
11 intellectual disability, the person's attorney and guardian,
12 if any, or in the case of a minor, to his or her attorney, to
13 the parent, guardian or person in loco parentis and to the
14 minor if 12 years of age or older, of the person's right to
15 request a review of the facility director's initial or
16 subsequent determination that such person is appropriately
17 placed or is receiving appropriate services. The notice shall
18 also provide the address and phone number of the Division of
19 Legal Advocacy Service of the Department of Disability
20 Advocacy and Guardianship and Advocacy Commission, which the
21 person or guardian can contact for legal assistance. If
22 requested, the facility director shall assist the person or
23 guardian in contacting the Division of Legal Advocacy Service.
24 This notice shall be given within 24 hours of ~~Department's~~
25 evaluation by the Department of Human Services that the person
26 has a mild or moderate intellectual disability.

1 (c) Any recipient of services who successfully challenges
2 a final decision of the Secretary of the Department (or his or
3 her designee) reviewing an objection to the certification
4 required under Section 4-201, the treatment and habilitation
5 plan, or the appropriateness of the setting shall be entitled
6 to recover reasonable attorney's fees incurred in that
7 challenge, unless the Department's position was substantially
8 justified.

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

10 (405 ILCS 5/4-203) (from Ch. 91 1/2, par. 4-203)

11 Sec. 4-203. (a) Every developmental disabilities facility
12 shall maintain adequate records which shall include the
13 Section of this Act under which the client was admitted, any
14 subsequent change in the client's status, and requisite
15 documentation for such admission and status.

16 (b) The Department shall ensure that a monthly report is
17 maintained for each Department mental health facility, and
18 each unit of a Department developmental disability facility
19 for dually diagnosed persons, which lists (1) initials of
20 persons admitted to, residing at, or discharged from a
21 Department mental health facility or unit for dually diagnosed
22 persons of Department developmental disability facility during
23 that month with a primary or secondary diagnosis of
24 intellectual disability, (2) the date and facility and unit of
25 admission or continuing, care, (3) the legal admission status,

1 (4) the recipient's diagnosis, (5) the date and facility and
2 unit of transfer or discharge, (6) whether or not there is a
3 public or private guardian, (7) whether the facility director
4 has certified that appropriate treatment and habilitation are
5 available for and being provided to such person pursuant to
6 Section 4-203 of this Chapter, and (8) whether the person or a
7 guardian has requested review as provided in Section 4-209 of
8 this Chapter and, if so, the outcome of the review. The
9 Secretary of the Department shall furnish a copy of each
10 monthly report upon request to the Department of Disability
11 Advocacy and Guardianship ~~and Advocacy Commission~~ and the
12 agency designated by the Governor under Section 1 of "An Act in
13 relation to the protection and advocacy of the rights of
14 persons with developmental disabilities, and amending certain
15 Acts therein named", approved September 20, 1985, and under
16 Section 1 of "An Act for the protection and advocacy of
17 mentally ill persons", approved September 20, 1987.

18 (c) Nothing contained in this Chapter shall be construed
19 to limit or otherwise affect the power of any developmental
20 disabilities facility to determine the qualifications of
21 persons permitted to admit clients to such facility. This
22 subsection shall not affect or limit the powers of any court to
23 order admission to a developmental disabilities facility as
24 set forth in this Chapter.

25 (Source: P.A. 97-227, eff. 1-1-12.)

1 (405 ILCS 5/4-605) (from Ch. 91 1/2, par. 4-605)

2 Sec. 4-605. Every respondent alleged to meet the standard
3 for judicial admission shall be represented by counsel. If the
4 respondent is indigent or an appearance has not been entered
5 on his behalf at the time the matter is set for hearing, the
6 court shall appoint counsel for him. A hearing shall not
7 proceed when a respondent is not represented by counsel
8 unless, after conferring with counsel, the respondent requests
9 to represent himself and the court is satisfied that the
10 respondent has the capacity to make an informed waiver of his
11 right to counsel. Counsel shall be allowed time for adequate
12 preparation and shall not be prevented from conferring with
13 the respondent at reasonable times nor from making an
14 investigation of the matters in issue and presenting such
15 relevant evidence as he believes is necessary.

16 1. If the court determines that the respondent is unable
17 to obtain counsel, the court shall appoint as counsel an
18 attorney employed by or under contract with the Department of
19 Disability Advocacy and Guardianship ~~and Advocacy Commission~~,
20 if available.

21 2. If an attorney from the Department of Disability
22 Advocacy and Guardianship ~~and Advocacy Commission~~ is not
23 available, the court shall appoint as counsel the public
24 defender or, only if no public defender is available, an
25 attorney licensed to practice law in this State.

26 3. Upon filing with the court of a verified statement of

1 legal services rendered by the private attorney appointed
2 pursuant to paragraph (2) of this Section, the court shall
3 determine a reasonable fee for such services. If the
4 respondent is unable to pay the fee, the court shall enter an
5 order upon the county to pay the entire fee or such amount as
6 the respondent is unable to pay.

7 (Source: P.A. 85-1247.)

8 (405 ILCS 5/5-100) (from Ch. 91 1/2, par. 5-100)

9 Sec. 5-100. Written notice of the death of a recipient of
10 services which occurs at a mental health or developmental
11 disabilities facility, or the death of a recipient of services
12 who has not been discharged from a mental health or
13 developmental disabilities facility but whose death occurs
14 elsewhere, shall within 10 days of the death of a recipient be
15 mailed to the Department of Public Health which, for the
16 primary purpose of monitoring patterns of abuse and neglect of
17 recipients of services, shall make such notices available to
18 the Department of Disability Advocacy and Guardianship ~~and~~
19 ~~Advocacy Commission~~ and to the agency designated by the
20 Governor under Section 1 of "An Act in relation to the
21 protection and advocacy of the rights of persons with
22 developmental disabilities, and amending Acts therein named",
23 approved September 20, 1985. Such notice shall include the
24 name of the recipient, the name and address of the facility at
25 which the death occurred, the recipient's age, the nature of

1 the recipient's condition, including any evidence of the
2 previous injuries or disabilities, or relevant medical
3 conditions or any other information which might be helpful in
4 establishing the cause of death.

5 Written notice of the death of a recipient of services who
6 was admitted by court order, and the cause thereof shall, in
7 all cases, be mailed by the facility director to the court
8 entering the original admission order, and if possible, to the
9 same judge, and the time, place and alleged cause of such death
10 shall be entered upon the docket. Such notice must be mailed
11 within 10 days following the death of the recipient.

12 In the event of a sudden or mysterious death of any
13 recipient of services at any public or private facility, a
14 coroner's inquest shall be held as provided by law in other
15 cases.

16 In cases where the deceased person was a recipient or
17 client of any state facility, and the fees for holding an
18 inquest cannot be collected out of his estate, such fees shall
19 be paid by the Department.

20 (Source: P.A. 88-380.)

21 Section 10-100. The Alzheimer's Disease Assistance Act is
22 amended by changing Section 6 as follows:

23 (410 ILCS 405/6) (from Ch. 111 1/2, par. 6956)

24 Sec. 6. Alzheimer's Disease Advisory Committee.

1 (a) There is created the Alzheimer's Disease Advisory
2 Committee consisting of 17 voting members appointed by the
3 Director of the Department, as well as 5 nonvoting members as
4 hereinafter provided in this Section. The Director or his
5 designee shall serve as one of the 17 voting members and as the
6 Chairman of the Committee. Those appointed as voting members
7 shall include persons who are experienced in research and the
8 delivery of services to individuals with Alzheimer's disease
9 or a related disorder and their families. Such members shall
10 include:

11 (1) one individual from a statewide association
12 dedicated to Alzheimer's care, support, and research;

13 (2) one individual from a non-governmental statewide
14 organization that advocates for seniors;

15 (3) the Dementia Coordinator of the Illinois
16 Department of Public Health, or the Dementia Coordinator's
17 designee;

18 (4) one individual representing the Community Care
19 Program's Home and Community Services Division;

20 (5) one individual representing the Adult Protective
21 Services Unit;

22 (6) 3 individuals from Alzheimer's Disease Assistance
23 Centers;

24 (7) one individual from a statewide association
25 representing an adult day service organization;

26 (8) one individual from a statewide association

1 representing home care providers;

2 (9) one individual from a statewide trade organization
3 representing the interests of physicians licensed to
4 practice medicine in all of its branches in Illinois;

5 (10) one individual representing long-term care
6 facilities licensed under the Nursing Home Care Act, an
7 assisted living establishment licensed under the Assisted
8 Living and Shared Housing Act, or supportive living
9 facilities;

10 (11) one individual from a statewide association
11 representing the interests of social workers;

12 (12) one individual representing Area Agencies on
13 Aging;

14 (13) the Medicaid Director of the Department of
15 Healthcare and Family Services, or the Medicaid Director's
16 designee;

17 (14) one individual from a statewide association
18 representing health education and promotion and public
19 health advocacy; and

20 (15) one individual with medical or academic
21 experience with early onset Alzheimer's disease or related
22 disorders.

23 (b) In addition to the 17 voting members, the Directors of
24 the following State agencies or their designees who are
25 qualified to represent each Department's programs and services
26 for those with Alzheimer's disease or related disorders shall

1 serve as nonvoting members: Department on Aging, Department of
2 Healthcare and Family Services, Department of Public Health,
3 Department of Human Services, and Department of Disability
4 Advocacy and Guardianship ~~and Advocacy Commission~~.

5 Each voting member appointed by the Director of Public
6 Health shall serve for a term of 2 years, and until his
7 successor is appointed and qualified. Members of the Committee
8 shall not be compensated but shall be reimbursed for expenses
9 actually incurred in the performance of their duties.
10 Vacancies shall be filled in the same manner as original
11 appointments.

12 The Committee shall review all State programs and services
13 provided by State agencies that are directed toward persons
14 with Alzheimer's disease and related dementias, and by
15 consensus recommend changes to improve the State's response to
16 this serious health problem. Such recommendations shall be
17 included in the State plan described in this Act.

18 (Source: P.A. 101-588, eff. 1-1-20.)

19 Section 10-103. The Vital Records Act is amended by
20 changing Section 25.2 as follows:

21 (410 ILCS 535/25.2)

22 Sec. 25.2. Division ~~Office~~ of State Guardian birth record
23 request.

24 (a) For purposes of this Section, an individual's status

1 as a person under guardianship ~~of with~~ the Division ~~Office~~ of
2 State Guardian may be verified with a copy of the court order
3 placing the individual under the guardianship of the Division
4 ~~Office~~ of State Guardian.

5 (b) The applicable fees under Section 17 for a new
6 certificate of birth and under Section 25 for a search for a
7 birth record or certified copy of a birth record shall be
8 waived for requests made by the Division ~~Office~~ of State
9 Guardian to the Office of the State Registrar of Vital Records
10 in Springfield for an individual under guardianship of the
11 Division ~~Office~~ of State Guardian, whose status is verified
12 under subsection (a) of this Section.

13 (c) The State Registrar of Vital Records shall establish
14 standards and procedures consistent with this Section for
15 waiver of the applicable fees.

16 (d) An individual under guardianship shall be provided no
17 more than 4 birth records annually under this Section.

18 (Source: P.A. 103-682, eff. 7-1-25.)

19 Section 10-105. The Clerks of Courts Act is amended by
20 changing Section 27.3f as follows:

21 (705 ILCS 105/27.3f)

22 Sec. 27.3f. Guardianship and advocacy operations fee.

23 (a) As used in this Section, "guardianship and advocacy"
24 means the guardianship and advocacy services provided by the

1 Department of Disability Advocacy and Guardianship ~~and~~
2 ~~Advocacy Commission~~ and defined in the Guardianship and
3 Advocacy Act. Viable public guardianship and advocacy
4 programs, including the public guardianship programs created
5 and supervised in probate proceedings in the Illinois courts,
6 are essential to the administration of justice and ensure that
7 incapacitated persons and their estates are protected. To
8 defray the expense of maintaining and operating the divisions
9 and programs of the Department of Disability Advocacy and
10 Guardianship ~~and Advocacy Commission~~ and to support viable
11 guardianship and advocacy programs throughout Illinois, each
12 circuit court clerk shall charge and collect a fee on all
13 matters filed in probate cases in accordance with this
14 Section, but no fees shall be assessed against the Division of
15 State Guardian, any State agency under the jurisdiction of the
16 Governor, any public guardian, or any State's Attorney.

17 (b) No fee specified in this Section shall be imposed in
18 any minor guardianship established under Article XI of the
19 Probate Act of 1975, or against an indigent person. An
20 indigent person shall include any person who meets one or more
21 of the following criteria:

22 (1) He or she is receiving assistance under one or
23 more of the following public benefits programs:
24 Supplemental Security Income (SSI), Aid to the Aged,
25 Blind, and Disabled (AABD), Temporary Assistance for Needy
26 Families (TANF), Supplemental Nutrition Assistance Program

1 (SNAP) (formerly Food Stamps), General Assistance, State
2 Transitional Assistance, or State Children and Family
3 Assistance.

4 (2) His or her available income is 125% or less of the
5 current poverty level as established by the United States
6 Department of Health and Human Services, unless the
7 applicant's assets that are not exempt under Part 9 or 10
8 of Article XII of the Code of Civil Procedure are of a
9 nature and value that the court determines that the
10 applicant is able to pay the fees, costs, and charges.

11 (3) He or she is, in the discretion of the court,
12 unable to proceed in an action without payment of fees,
13 costs, and charges and whose payment of those fees, costs,
14 and charges would result in substantial hardship to the
15 person or his or her family.

16 (4) He or she is an indigent person pursuant to
17 Section 5-105.5 of the Code of Civil Procedure, providing
18 that an "indigent person" means a person whose income is
19 125% or less of the current official federal poverty
20 guidelines or who is otherwise eligible to receive civil
21 legal services under the Legal Services Corporation Act of
22 1974.

23 (c) The clerk is entitled to receive the fee specified in
24 this Section, which shall be paid in advance, and managed by
25 the clerk as set out in paragraph (2), except that, for good
26 cause shown, the court may suspend, reduce, or release the

1 costs payable under this Section:

2 (1) For administration of the estate of a decedent
3 (whether testate or intestate) or of a missing person, a
4 fee of \$100.

5 (2) The guardianship and advocacy operations fee, as
6 outlined in this Section, shall be in addition to all
7 other fees and charges and assessable as costs. Five
8 percent of the fee shall be retained by the clerk for
9 deposit into the Circuit Court Clerk Operation and
10 Administrative Fund to defray costs of collection and 95%
11 of the fee shall be disbursed within 60 days after receipt
12 by the circuit clerk to the State Treasurer for deposit by
13 the State Treasurer into the Guardianship and Advocacy
14 Fund.

15 (Source: P.A. 97-1093, eff. 1-1-13.)

16 Section 10-110. The Criminal Code of 2012 is amended by
17 changing Section 12-9 as follows:

18 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

19 Sec. 12-9. Threatening public officials; human service
20 providers.

21 (a) A person commits threatening a public official or
22 human service provider when:

23 (1) that person knowingly delivers or conveys,
24 directly or indirectly, to a public official or human

1 service provider by any means a communication:

2 (i) containing a threat that would place the
3 public official or human service provider or a member
4 of his or her immediate family in reasonable
5 apprehension of immediate or future bodily harm,
6 sexual assault, confinement, or restraint; or

7 (ii) containing a threat that would place the
8 public official or human service provider or a member
9 of his or her immediate family in reasonable
10 apprehension that damage will occur to property in the
11 custody, care, or control of the public official or
12 his or her immediate family; and

13 (2) the threat was conveyed because of the performance
14 or nonperformance of some public duty or duty as a human
15 service provider, because of hostility of the person
16 making the threat toward the status or position of the
17 public official or the human service provider, or because
18 of any other factor related to the official's public
19 existence.

20 (a-5) For purposes of a threat to a sworn law enforcement
21 officer, the threat must contain specific facts indicative of
22 a unique threat to the person, family or property of the
23 officer and not a generalized threat of harm.

24 (a-6) For purposes of a threat to a social worker,
25 caseworker, investigator, or human service provider, the
26 threat must contain specific facts indicative of a unique

1 threat to the person, family or property of the individual and
2 not a generalized threat of harm.

3 (b) For purposes of this Section:

4 (1) "Public official" means a person who is elected to
5 office in accordance with a statute or who is appointed to
6 an office which is established, and the qualifications and
7 duties of which are prescribed, by statute, to discharge a
8 public duty for the State or any of its political
9 subdivisions or in the case of an elective office any
10 person who has filed the required documents for nomination
11 or election to such office. "Public official" includes a
12 duly appointed assistant State's Attorney, assistant
13 Attorney General, or Appellate Prosecutor; a sworn law
14 enforcement or peace officer; a social worker, caseworker,
15 attorney, or investigator employed by the Department of
16 Healthcare and Family Services, the Department of Human
17 Services, the Department of Children and Family Services,
18 or the Department of Disability Advocacy and Guardianship
19 ~~and Advocacy Commission~~; or an assistant public guardian,
20 attorney, social worker, case manager, or investigator
21 employed by a duly appointed public guardian.

22 (1.5) "Human service provider" means a social worker,
23 case worker, or investigator employed by an agency or
24 organization providing social work, case work, or
25 investigative services under a contract with or a grant
26 from the Department of Human Services, the Department of

1 Children and Family Services, the Department of Healthcare
2 and Family Services, or the Department on Aging.

3 (2) "Immediate family" means a public official's
4 spouse or child or children.

5 (c) Threatening a public official or human service
6 provider is a Class 3 felony for a first offense and a Class 2
7 felony for a second or subsequent offense.

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

9 Section 10-115. The Mental Health and Developmental
10 Disabilities Confidentiality Act is amended by changing
11 Sections 4, 8, and 8.1 as follows:

12 (740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

13 Sec. 4. (a) The following persons shall be entitled, upon
14 request, to inspect and copy a recipient's record or any part
15 thereof:

16 (1) the parent or guardian of a recipient who is under
17 12 years of age;

18 (2) the recipient if he is 12 years of age or older;

19 (3) the parent or guardian of a recipient who is at
20 least 12 but under 18 years, if the recipient is informed
21 and does not object or if the therapist does not find that
22 there are compelling reasons for denying the access. The
23 parent or guardian who is denied access by either the
24 recipient or the therapist may petition a court for access

1 to the record. Nothing in this paragraph is intended to
2 prohibit the parent or guardian of a recipient who is at
3 least 12 but under 18 years from requesting and receiving
4 the following information: current physical and mental
5 condition, diagnosis, treatment needs, services provided,
6 and services needed, including medication, if any;

7 (3.5) the parent or guardian of a minor, regardless of
8 the minor's age, if the minor is involved in special
9 education services under Section 14-1.11 of the School
10 Code, and only for the purpose of inspecting and copying a
11 record of the specific mental health or developmental
12 services that the parent or guardian consented to on the
13 recipient's behalf for special education services; or the
14 designated representative of a student over the age of 18
15 involved in special education services under Section
16 14-6.10 of the School Code;

17 (4) the guardian of a recipient who is 18 years or
18 older;

19 (5) an attorney or guardian ad litem who represents a
20 minor 12 years of age or older in any judicial or
21 administrative proceeding, provided that the court or
22 administrative hearing officer has entered an order
23 granting the attorney this right;

24 (6) an agent appointed under a recipient's power of
25 attorney for health care or for property, when the power
26 of attorney authorizes the access;

1 (7) an attorney-in-fact appointed under the Mental
2 Health Treatment Preference Declaration Act; or

3 (8) any person in whose care and custody the recipient
4 has been placed pursuant to Section 3-811 of the Mental
5 Health and Developmental Disabilities Code.

6 (b) Assistance in interpreting the record may be provided
7 without charge and shall be provided if the person inspecting
8 the record is under 18 years of age. However, access may in no
9 way be denied or limited if the person inspecting the record
10 refuses the assistance. A reasonable fee may be charged for
11 duplication of a record. However, when requested to do so in
12 writing by any indigent recipient, the custodian of the
13 records shall provide at no charge to the recipient, or to the
14 Department of Disability Advocacy and Guardianship ~~and~~
15 ~~Advocacy Commission~~, the agency designated by the Governor
16 under Section 1 of the Protection and Advocacy for Persons
17 with Developmental Disabilities Act or to any other
18 not-for-profit agency whose primary purpose is to provide free
19 legal services or advocacy for the indigent and who has
20 received written authorization from the recipient under
21 Section 5 of this Act to receive his records, one copy of any
22 records in its possession whose disclosure is authorized under
23 this Act.

24 (c) Any person entitled to access to a record under this
25 Section may submit a written statement concerning any disputed
26 or new information, which statement shall be entered into the

1 record. Whenever any disputed part of a record is disclosed,
2 any submitted statement relating thereto shall accompany the
3 disclosed part. Additionally, any person entitled to access
4 may request modification of any part of the record which he
5 believes is incorrect or misleading. If the request is
6 refused, the person may seek a court order to compel
7 modification.

8 (d) Whenever access or modification is requested, the
9 request and any action taken thereon shall be noted in the
10 recipient's record.

11 (e) Nothing in this Section shall be construed to affect
12 the protection of or access to records under the Illinois
13 School Student Records Act or the federal Individuals with
14 Disabilities Education Act.

15 (Source: P.A. 103-474, eff. 1-1-24; 104-263, eff. 1-1-26.)

16 (740 ILCS 110/8) (from Ch. 91 1/2, par. 808)

17 Sec. 8. In the course of an investigation, or in the course
18 of monitoring issues concerning the rights of recipients or
19 the services provided to recipients as authorized by
20 subsection (1) of Section 5 of the Guardianship and Advocacy
21 Act, the Division of Disability Rights and Protections ~~a~~
22 ~~regional human rights authority~~ of the Department of
23 Disability Advocacy and Guardianship ~~and Advocacy Commission~~
24 created by the Guardianship and Advocacy Act may inspect and
25 copy any recipient's records in the possession of a therapist,

1 agency, department, ~~Department~~ or facility which provides
2 services to a recipient, including reports of suspected abuse
3 or neglect of a recipient and information regarding the
4 disposition of such reports. However, the Division of
5 Disability Rights and Protections ~~a regional authority~~ may not
6 inspect or copy records containing personally identifiable
7 data which cannot be removed without imposing an unreasonable
8 burden on the therapist, agency, department, ~~Department~~ or
9 facility which provides services, except as provided herein.
10 The Division of Disability Rights and Protections ~~regional~~
11 ~~authority~~ shall give written notice to the person entitled to
12 give consent for the identifiable recipient of services under
13 Section 4 that it is conducting an investigation or monitoring
14 and indicating the nature and purpose of the investigation or
15 monitoring and the need to inspect and copy the recipient's
16 record. If the person notified objects in writing to such
17 inspection and copying, the Division of Disability Rights and
18 Protections ~~regional authority~~ may not inspect or copy the
19 record. The therapist, agency, department, ~~Department~~ or
20 facility which provides services may not object on behalf of a
21 recipient.

22 (Source: P.A. 86-820; 86-1013; 86-1475.)

23 (740 ILCS 110/8.1) (from Ch. 91 1/2, par. 808.1)

24 Sec. 8.1. The agency designated by the Governor under
25 Section 1 of "An Act in relation to the protection and advocacy

1 of the rights of persons with developmental disabilities, and
2 amending Acts therein named", approved September 20, 1985, as
3 now or hereafter amended, shall have access, for the purpose
4 of inspection and copying, to the records of a person with
5 developmental disabilities who resides in a developmental
6 disability facility or mental health facility, as defined in
7 Sections 1-107 and 1-114, respectively, of the Mental Health
8 and Developmental Disabilities Code, as now or hereafter
9 amended, if (a) a complaint is received by such agency from or
10 on behalf of the person with a developmental disability, and
11 (b) such person does not have a guardian of the person or the
12 State or the designee of the State is his or her guardian of
13 the person. The designated agency shall provide written notice
14 of the receipt of a complaint to the custodian of the records
15 of the person from whom or on whose behalf a complaint is
16 received. The designated agency shall provide to the person
17 with developmental disabilities and to the Division of ~~his or~~
18 ~~her~~ State Guardian ~~guardian~~, if appointed, written notice of
19 the nature of the complaint based upon which the designated
20 agency has gained access to the records. No record or the
21 contents of any record shall be redisclosed by the designated
22 agency unless the person with developmental disabilities and
23 the Division of State Guardian ~~guardian~~ are provided 7 days
24 advance written notice, except in emergency situations, of the
25 designated agency's intent to redisclose such record, during
26 which time the person with developmental disabilities or the

1 Division of State Guardian ~~guardian~~ may seek to judicially
2 enjoin the designated agency's redisclosure of such record on
3 the grounds that such redisclosure is contrary to the
4 interests of the person with developmental disabilities. If a
5 person with developmental disabilities resides in a
6 developmental disability or mental health facility and has a
7 guardian other than the State or the designee of the State, the
8 facility director shall disclose the guardian's name, address
9 and telephone number to the designated agency at the agency's
10 request.

11 Upon written request and after the provision of written
12 notice to the agency, facility or other body from which
13 records and other materials are sought of the designated
14 agency's investigation of problems affecting numbers of
15 persons with developmental disabilities, the designated agency
16 shall be entitled to inspect and copy any records or other
17 materials which may further the agency's investigation of
18 problems affecting numbers of persons with developmental
19 disabilities. When required by law any personally identifiable
20 information of persons with developmental disabilities shall
21 be removed from the records. However, the designated agency
22 may not inspect or copy records or other materials when the
23 removal of personally identifiable information imposes an
24 unreasonable burden on mental health and developmental
25 disabilities facilities.

26 For the purposes of this Section, "developmental

1 disability" means a severe, chronic disability of a person
2 which -

3 (A) is attributable to a mental or physical impairment or
4 combination of mental and physical impairments;

5 (B) is manifested before the person attains age 22;

6 (C) is likely to continue indefinitely;

7 (D) results in substantial functional limitations in 3 or
8 more of the following areas of major life activity: (i)
9 self-care, (ii) receptive and expressive language, (iii)
10 learning, (iv) mobility, (v) self-direction, (vi) capacity for
11 independent living, and (vii) economic self-sufficiency; and

12 (E) reflects the person's need for a combination and
13 sequence of special, interdisciplinary or generic care,
14 treatment or other services which are of lifelong or extended
15 duration and are individually planned and coordinated.

16 (Source: P.A. 88-380.)

17 Section 10-120. The Adoption Act is amended by changing
18 Section 13 as follows:

19 (750 ILCS 50/13) (from Ch. 40, par. 1516)

20 Sec. 13. Interim order. As soon as practicable after the
21 filing of a petition for adoption the court shall hold a
22 hearing for the following purposes:

23 A. In other than an adoption of a related child or an
24 adoption through an agency, or of an adult:

1 (a) To determine the validity of the consent, provided
2 that the execution of a consent pursuant to this Act shall
3 be prima facie evidence of its validity, and provided that
4 the validity of a consent shall not be affected by the
5 omission therefrom of the names of the petitioners or
6 adopting parents at the time the consent is executed or
7 acknowledged, and further provided that the execution of a
8 consent prior to the filing of a petition for adoption
9 shall not affect its validity.

10 (b) To determine whether there is available suitable
11 temporary custodial care for a child sought to be adopted.

12 B. In all cases except standby adoptions and re-adoptions:

13 (a) The court shall appoint some licensed attorney
14 other than the State's attorney acting in his or her
15 official capacity as guardian ad litem to represent a
16 child sought to be adopted. Such guardian ad litem shall
17 have power to consent to the adoption of the child, if such
18 consent is required. In the case of a related adoption
19 where the child sought to be adopted is not a youth in
20 care, the court shall have the discretion to waive the
21 appointment of a guardian ad litem.

22 (b) The court shall appoint a guardian ad litem for
23 all named minors or defendants who are persons under legal
24 disability, if any. In the case of a related adoption
25 where the child sought to be adopted is not a youth in
26 care, the court shall have the discretion to waive the

1 appointment of a guardian ad litem.

2 (c) If the petition alleges a person to be unfit
3 pursuant to the provisions of subparagraph (p) of
4 paragraph D of Section 1 of this Act, such person shall be
5 represented by counsel. If such person is indigent or an
6 appearance has not been entered on his behalf at the time
7 the matter is set for hearing, the court shall appoint as
8 counsel for him either the Department of Disability
9 Advocacy and Guardianship ~~and Advocacy Commission~~, the
10 public defender, or, only if no attorney from the
11 Department of Disability Advocacy and Guardianship ~~and~~
12 ~~Advocacy Commission~~ or the public defender is available,
13 an attorney licensed to practice law in this State.

14 (d) If it is proved to the satisfaction of the court,
15 after such investigation as the court deems necessary,
16 that termination of parental rights and temporary
17 commitment of the child to an agency or to a person deemed
18 competent by the court, including petitioners, will be for
19 the welfare of the child, the court may order the child to
20 be so committed and may terminate the parental rights of
21 the parents and declare the child a ward of the court or,
22 if it is not so proved, the court may enter such other
23 order as it shall deem necessary and advisable.

24 (e) Before an interim custody order is granted under
25 this Section, service of summons shall be had upon the
26 parent or parents whose rights have not been terminated,

1 except as provided in subsection (f). Reasonable notice
2 and opportunity to be heard shall be given to the parent or
3 parents after service of summons when the address of the
4 parent or parents is available. The party seeking an
5 interim custody order shall make all reasonable efforts to
6 locate the parent or parents of the child or children they
7 are seeking to adopt and to notify the parent or parents of
8 the party's request for an interim custody order pursuant
9 to this Section.

10 (f) An interim custody order may be granted without
11 notice upon presentation to the court of a written
12 petition, accompanied by an affidavit, stating that there
13 is an immediate danger to the child and that irreparable
14 harm will result to the child if notice is given to the
15 parent or parents or legal guardian. Upon making a finding
16 that there is an immediate danger to the child if service
17 of process is had upon and notice of hearing is given to
18 the parent or parents or legal guardian prior to the entry
19 of an order granting temporary custody to someone other
20 than a parent or legal guardian, the court may enter an
21 order of temporary custody which shall expire not more
22 than 10 days after its entry. Every ex parte custody order
23 granted without notice shall state the injury which the
24 court sought to avoid by granting the order, the
25 irreparable injury that would have occurred had notice
26 been given, and the reason the order was granted without

1 notice. The matter shall be set down for full hearing
2 before the expiration of the ex parte order and will be
3 heard after service of summons is had upon and notice of
4 hearing is given to the parent or parents or legal
5 guardian. At the hearing the burden of proof shall be upon
6 the party seeking to extend the interim custody order to
7 show that the order was properly granted without notice
8 and that custody should remain with the party seeking to
9 adopt during the pendency of the adoption proceeding. If
10 the interim custody order is extended, the reasons for
11 granting the extension shall be stated in the order.

12 C. In the case of a child born outside the United States or
13 a territory thereof, if the petitioners have previously been
14 appointed guardians of such child by a court of competent
15 jurisdiction in a country other than the United States or a
16 territory thereof, the court may order that the petitioners
17 continue as guardians of such child.

18 D. In standby adoption cases:

19 (a) The court shall appoint a licensed attorney other
20 than the State's Attorney acting in his or her official
21 capacity as guardian ad litem to represent a child sought
22 to be adopted. The guardian ad litem shall have power to
23 consent to the adoption of the child, if consent is
24 required.

25 (b) The court shall appoint a guardian ad litem for
26 all named minors or defendants who are persons under legal

1 disability, if any. In the case of a related adoption
2 where the child sought to be adopted is not a youth in
3 care, the court shall have the discretion to waive the
4 appointment of a guardian ad litem.

5 (c) The court lacks jurisdiction to proceed on the
6 petition for standby adoption if the child has a living
7 parent, adoptive parent, or adjudicated parent whose
8 rights have not been terminated and whose whereabouts are
9 known, unless the parent consents to the standby adoption
10 or, after receiving notice of the hearing on the standby
11 adoption petition, fails to object to the appointment of a
12 standby adoptive parent at the hearing on the petition.

13 (d) The court shall investigate as needed for the
14 welfare of the child and shall determine whether the
15 petitioner or petitioners shall be permitted to adopt.

16 (Source: P.A. 102-139, eff. 1-1-22.)

17 Section 10-125. The Probate Act of 1975 is amended by
18 changing Sections 11a-3.1, 11a-3.2, 11a-5, 11a-5.1, 11a-8.1,
19 11a-9, 11a-12, 11a-13, 11a-14.1, 11a-17, 12-4, 13-1, and
20 13-1.2 as follows:

21 (755 ILCS 5/11a-3.1)

22 Sec. 11a-3.1. Appointment of standby guardian.

23 (a) The guardian of a person with a disability may
24 designate in any writing, including a will, a person qualified

1 to act under Section 11a-5 to be appointed as standby guardian
2 of the person or estate, or both, of the person with a
3 disability. The guardian may designate in any writing,
4 including a will, a person qualified to act under Section
5 11a-5 to be appointed as successor standby guardian of the
6 person or estate of the person with a disability, or both. The
7 designation must be witnessed by 2 or more credible witnesses
8 at least 18 years of age, neither of whom is the person
9 designated as the standby guardian. The designation may be
10 proved by any competent evidence. If the designation is
11 executed and attested in the same manner as a will, it shall
12 have prima facie validity. Prior to designating a proposed
13 standby guardian, the guardian shall consult with the person
14 with a disability to determine the preference of the person
15 with a disability as to the person who will serve as standby
16 guardian. The guardian shall give due consideration to the
17 preference of the person with a disability in selecting a
18 standby guardian.

19 (b) Upon the filing of a petition for the appointment of a
20 standby guardian, the court may appoint a standby guardian of
21 the person or estate, or both, of the person with a disability
22 as the court finds to be in the best interests of the person
23 with a disability. The court shall apply the same standards
24 used in determining the suitability of a plenary or limited
25 guardian in determining the suitability of a standby guardian,
26 giving due consideration to the preference of the person with

1 a disability as to a standby guardian. The court may not
2 appoint the Division ~~Office~~ of State Guardian, pursuant to
3 Section 30 of the Guardianship and Advocacy Act, or a public
4 guardian, pursuant to Section 13-5 of this Act, as a standby
5 guardian, without the written consent of the Division of State
6 Guardian or public guardian or an authorized representative of
7 the Division of State Guardian or public guardian.

8 (c) The standby guardian shall take and file an oath or
9 affirmation that the standby guardian will faithfully
10 discharge the duties of the office of standby guardian
11 according to law, and shall file in and have approved by the
12 court a bond binding the standby guardian so to do, but shall
13 not be required to file a bond until the standby guardian
14 assumes all duties as guardian of the person with a disability
15 under Section 11a-18.2.

16 (d) The designation of a standby guardian may, but need
17 not, be in the following form:

18 DESIGNATION OF STANDBY GUARDIAN

19 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

20 A standby guardian is someone who has been appointed
21 by the court as the person who will act as guardian of the
22 person with a disability when the guardian of the person
23 with a disability dies or is no longer willing or able to
24 make and carry out day-to-day care decisions concerning
25 the person with a disability. By properly completing this
26 form, a guardian is naming the person that the guardian

1 wants to be appointed as the standby guardian of the
2 person with a disability. Signing the form does not
3 appoint the standby guardian; to be appointed, a petition
4 must be filed in and approved by the court.]

5 1. Guardian and Ward. I, (insert name of designating
6 guardian), currently residing at (insert address of
7 designating guardian), am the guardian of the following
8 person with a disability: (insert name of ward).

9 2. Standby Guardian. I hereby designate the following
10 person to be appointed as standby guardian for my ward
11 listed above: (insert name and address of person
12 designated).

13 3. Successor Standby Guardian. If the person named in
14 item 2 above cannot or will not act as standby guardian, I
15 designate the following person to be appointed as
16 successor standby guardian for my ward: (insert name and
17 address of person designated).

18 4. Date and Signature. This designation is made this
19 (insert day) day of (insert month and year).

20 Signed: (designating guardian)

21 5. Witnesses. I saw the guardian sign this designation
22 or the guardian told me that the guardian signed this
23 designation. Then I signed the designation as a witness in
24 the presence of the guardian. I am not designated in this
25 instrument to act as a standby guardian for the guardian's
26 ward. (insert space for names, addresses, and signatures

1 of 2 witnesses)

2 [END OF FORM]

3 (Source: P.A. 102-72, eff. 1-1-22.)

4 (755 ILCS 5/11a-3.2)

5 Sec. 11a-3.2. Short-term guardian.

6 (a) The guardian of a person with a disability may appoint
7 in writing, without court approval, a short-term guardian of
8 the person with a disability to take over the guardian's
9 duties, to the extent provided in Section 11a-18.3, each time
10 the guardian is unavailable or unable to carry out those
11 duties. The guardian shall consult with the person with a
12 disability to determine the preference of the person with a
13 disability concerning the person to be appointed as short-term
14 guardian and the guardian shall give due consideration to the
15 preference of the person with a disability in choosing a
16 short-term guardian. The written instrument appointing a
17 short-term guardian shall be dated and shall identify the
18 appointing guardian, the person with a disability, the person
19 appointed to be the short-term guardian, and the termination
20 date of the appointment. The written instrument shall be
21 signed by, or at the direction of, the appointing guardian in
22 the presence of at least 2 credible witnesses at least 18 years
23 of age, neither of whom is the person appointed as the
24 short-term guardian. The person appointed as the short-term
25 guardian shall also sign the written instrument, but need not

1 sign at the same time as the appointing guardian. A guardian
2 may not appoint the Division ~~Office~~ of State Guardian or a
3 public guardian as a short-term guardian, without the written
4 consent of the Division of State Guardian or public guardian
5 or an authorized representative of the State Guardian or
6 public guardian.

7 (b) The appointment of the short-term guardian is
8 effective immediately upon the date the written instrument is
9 executed, unless the written instrument provides for the
10 appointment to become effective upon a later specified date or
11 event. A short-term guardian appointed by the guardian shall
12 have authority to act as guardian of the person with a
13 disability for a cumulative total of 60 days during any
14 12-month period. Only one written instrument appointing a
15 short-term guardian may be in force at any given time.

16 (c) Every appointment of a short-term guardian may be
17 amended or revoked by the appointing guardian at any time and
18 in any manner communicated to the short-term guardian or to
19 any other person. Any person other than the short-term
20 guardian to whom a revocation or amendment is communicated or
21 delivered shall make all reasonable efforts to inform the
22 short-term guardian of that fact as promptly as possible.

23 (d) The appointment of a short-term guardian or successor
24 short-term guardian does not affect the rights in the person
25 with a disability of any guardian other than the appointing
26 guardian.

1 (e) The written instrument appointing a short-term
2 guardian may, but need not, be in the following form:

3 APPOINTMENT OF SHORT-TERM GUARDIAN

4 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

5 By properly completing this form, a guardian is
6 appointing a short-term guardian of the person with a
7 disability for a cumulative total of up to 60 days during
8 any 12-month period. A separate form shall be completed
9 each time a short-term guardian takes over guardianship
10 duties. The person or persons appointed as the short-term
11 guardian shall sign the form, but need not do so at the
12 same time as the guardian.]

13 1. Guardian and Ward. I, (insert name of appointing
14 guardian), currently residing at (insert address of
15 appointing guardian), am the guardian of the following
16 person with a disability: (insert name of ward).

17 2. Short-term Guardian. I hereby appoint the following
18 person as the short-term guardian for my ward: (insert
19 name and address of appointed person).

20 3. Effective date. This appointment becomes effective:
21 (check one if you wish it to be applicable)

22 () On the date that I state in writing that I am no
23 longer either willing or able to make and carry out
24 day-to-day care decisions concerning my ward.

25 () On the date that a physician familiar with my

1 condition certifies in writing that I am no longer willing
2 or able to make and carry out day-to-day care decisions
3 concerning my ward.

4 () On the date that I am admitted as an in-patient to
5 a hospital or other health care institution.

6 () On the following date: (insert date).

7 () Other: (insert other).

8 [NOTE: If this item is not completed, the appointment
9 is effective immediately upon the date the form is signed
10 and dated below.]

11 4. Termination. This appointment shall terminate on:
12 (enter a date corresponding to 60 days from the current
13 date, less the number of days within the past 12 months
14 that any short-term guardian has taken over guardianship
15 duties), unless it terminates sooner as determined by the
16 event or date I have indicated below: (check one if you
17 wish it to be applicable)

18 () On the date that I state in writing that I am
19 willing and able to make and carry out day-to-day care
20 decisions concerning my ward.

21 () On the date that a physician familiar with my
22 condition certifies in writing that I am willing and able
23 to make and carry out day-to-day care decisions concerning
24 my ward.

25 () On the date that I am discharged from the hospital
26 or other health care institution where I was admitted as

1 an in-patient, which established the effective date.

2 () On the date which is (state a number of days) days
3 after the effective date.

4 () Other: (insert other).

5 [NOTE: If this item is not completed, the appointment
6 will be effective until the 60th day within the past year
7 during which time any short-term guardian of this ward had
8 taken over guardianship duties from the guardian,
9 beginning on the effective date.]

10 5. Date and signature of appointing guardian. This
11 appointment is made this (insert day) day of (insert month
12 and year).

13 Signed: (appointing guardian)

14 6. Witnesses. I saw the guardian sign this instrument
15 or I saw the guardian direct someone to sign this
16 instrument for the guardian. Then I signed this instrument
17 as a witness in the presence of the guardian. I am not
18 appointed in this instrument to act as the short-term
19 guardian for the guardian's ward. (insert space for names,
20 addresses, and signatures of 2 witnesses)

21 7. Acceptance of short-term guardian. I accept this
22 appointment as short-term guardian on this (insert day)
23 day of (insert month and year).

24 Signed: (short-term guardian)

25 [END OF FORM]

26 (f) Each time the guardian appoints a short-term guardian,

1 the guardian shall: (i) provide the person with a disability
2 with the name, address, and telephone number of the short-term
3 guardian; (ii) advise the person with a disability that he has
4 the right to object to the appointment of the short-term
5 guardian by filing a petition in court; and (iii) notify the
6 person with a disability when the short-term guardian will be
7 taking over guardianship duties and the length of time that
8 the short-term guardian will be acting as guardian.

9 (Source: P.A. 102-72, eff. 1-1-22.)

10 (755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)

11 Sec. 11a-5. Who may act as guardian.

12 (a) A person is qualified to act as guardian of the person
13 and as guardian of the estate of a person with a disability if
14 the court finds that the proposed guardian is capable of
15 providing an active and suitable program of guardianship for
16 the person with a disability and that the proposed guardian:

17 (1) has attained the age of 18 years;

18 (2) is a resident of the United States;

19 (3) is not of unsound mind;

20 (4) is not an adjudged person with a disability as
21 defined in this Act; and

22 (5) has not been convicted of a felony, unless the
23 court finds appointment of the person convicted of a
24 felony to be in the best interests of the person with a
25 disability, and as part of the best interests

1 determination, the court has considered the nature of the
2 offense, the date of offense, and the evidence of the
3 proposed guardian's rehabilitation. No person shall be
4 appointed who has been convicted of a felony involving
5 harm or threat to a minor or an elderly person or a person
6 with a disability, including a felony sexual offense.

7 (b) Any public agency, or not-for-profit corporation found
8 capable by the court of providing an active and suitable
9 program of guardianship for the person with a disability,
10 taking into consideration the nature of such person's
11 disability and the nature of such organization's services, may
12 be appointed guardian of the person or of the estate, or both,
13 of the person with a disability. The court shall not appoint as
14 guardian an agency or employee of an agency that is directly
15 providing residential services to the ward. One person or
16 agency may be appointed guardian of the person and another
17 person or agency appointed guardian of the estate.

18 (b-5)(1) The court may appoint separate individuals or
19 entities to act as the guardian of the person and the guardian
20 of the estate of a person with a disability if the court finds
21 it is in the best interests of the person with a disability
22 that separate guardians be appointed. The court shall not
23 appoint a separate person or entity to act as guardian of the
24 person or guardian of the estate with a public guardian or the
25 Division Office of State Guardian unless the public guardian
26 or the Division Office of State Guardian agrees to such an

1 appointment.

2 (2) The court may appoint co-guardians to act as guardian
3 of the person, guardian of the estate, or both the guardian of
4 the person and the guardian of the estate if the court finds it
5 is in the best interests of the person with a disability. When
6 considering appointing co-guardians, the court shall consider
7 the proposed co-guardians' history of cooperating and working
8 together on behalf of the person with a disability. The court
9 shall appoint only co-guardians who agree to serve together.
10 The court shall not appoint a public guardian or the Division
11 ~~Office~~ of State Guardian as a co-guardian for a person with a
12 disability.

13 (c) Any corporation qualified to accept and execute trusts
14 in this State may be appointed guardian or limited guardian of
15 the estate of a person with a disability.

16 (Source: P.A. 102-72, eff. 1-1-22.)

17 (755 ILCS 5/11a-5.1)

18 Sec. 11a-5.1. Multiple guardianships. The court may not
19 appoint an individual the guardian of the person or estate of
20 an adult with disabilities before the individual has disclosed
21 to the court the number of adults with disabilities over which
22 the individual is currently appointed as guardian. If the
23 court determines that an individual is appointed guardian over
24 more than 5 adults with disabilities, then the court shall
25 issue an order directing the circuit court clerk to notify the

1 Department of Disability Advocacy and Guardianship and
2 ~~Advocacy Commission~~, in a form and manner prescribed by the
3 Department of Disability Advocacy and Guardianship and
4 ~~Advocacy Commission~~. The clerk shall notify the Department of
5 Disability Advocacy and Guardianship and Advocacy Commission
6 no later than 7 days after the entry of the order. The
7 Department of Disability Advocacy and Guardianship and
8 ~~Advocacy Commission~~ shall maintain a list of all notifications
9 it receives under this Section for reference by other agencies
10 or units of government or the public. This Section does not
11 apply to the Division Office of the State Guardian or a public
12 guardian.

13 (Source: P.A. 100-659, eff. 1-1-19.)

14 (755 ILCS 5/11a-8.1)

15 Sec. 11a-8.1. Petition for standby guardian of the person
16 with a disability. The petition for appointment of a standby
17 guardian of the person or the estate, or both, of a person with
18 a disability must state, if known: (a) the name, date of birth,
19 and residence of the person with a disability; (b) the names
20 and post office addresses of the nearest relatives of the
21 person with a disability in the following order: (1) the
22 spouse and adult children, parents and adult brothers and
23 sisters, if any; if none, (2) nearest adult kindred known to
24 the petitioner; (c) the name and post office address of the
25 person having guardianship of the person with a disability,

1 and of any person or persons acting as agents of the person
2 with a disability under the Illinois Power of Attorney Act;
3 (d) the name, post office address, and, in case of any
4 individual, the age and occupation of the proposed standby
5 guardian; (e) the preference of the person with a disability
6 as to the choice of standby guardian; (f) the facts concerning
7 the consent of the guardian of the person with a disability to
8 the appointment of the standby guardian, or the willingness
9 and ability of the guardian of the person with a disability to
10 make and carry out day-to-day care decisions concerning the
11 person with a disability; (g) the facts concerning the
12 execution or admission to probate of the written designation
13 of the standby guardian, if any, a copy of which shall be
14 attached to or filed with the petition; (h) the facts
15 concerning any guardianship court actions pending concerning
16 the person with a disability; and (i) the facts concerning the
17 willingness of the proposed standby guardian to serve, and in
18 the case of the Division ~~Office~~ of State Guardian and any
19 public guardian, evidence of a written acceptance to serve
20 signed by the Division of State Guardian or public guardian or
21 an authorized representative of the Division of State Guardian
22 or public guardian, consistent with subsection (b) of Section
23 11a-3.1.

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

25 (755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)

1 Sec. 11a-9. Report.

2 (a) The petition for adjudication of disability and for
3 appointment of a guardian should be accompanied by a report
4 which contains (1) a description of the nature and type of the
5 respondent's disability and an assessment of how the
6 disability impacts on the ability of the respondent to make
7 decisions or to function independently; (2) an analysis and
8 results of evaluations of the respondent's mental and physical
9 condition and, where appropriate, educational condition,
10 adaptive behavior and social skills, which have been performed
11 within 3 months of the date of the filing of the petition, or,
12 in the case of an intellectual disability, a psychological
13 evaluation of the respondent that has been performed by a
14 clinical psychologist licensed under the Clinical Psychologist
15 Licensing Act, within one year of the date of the filing of the
16 petition; (3) an opinion as to whether guardianship is needed,
17 the type and scope of the guardianship needed, and the reasons
18 therefor; (4) a recommendation as to the most suitable living
19 arrangement and, where appropriate, treatment or habilitation
20 plan for the respondent and the reasons therefor; (5) the
21 name, business address, business telephone number, and
22 signatures of all persons who performed the evaluations upon
23 which the report is based, one of whom shall be a licensed
24 physician, or may, in the case of an intellectual disability,
25 be a clinical psychologist licensed under the Clinical
26 Psychologist Licensing Act, and a statement of the

1 certification, license, or other credentials that qualify the
2 evaluators who prepared the report.

3 (b) If for any reason no report accompanies the petition,
4 the court shall order appropriate evaluations to be performed
5 by a qualified person or persons and a report prepared and
6 filed with the court at least 10 days prior to the hearing.

7 (b-5) Upon oral or written motion by the respondent or the
8 guardian ad litem or upon the court's own motion, the court
9 shall appoint one or more independent experts to examine the
10 respondent. Upon the filing with the court of a verified
11 statement of services rendered by the expert or experts, the
12 court shall determine a reasonable fee for the services
13 performed. If the respondent is unable to pay the fee, the
14 court may enter an order upon the petitioner to pay the entire
15 fee or such amount as the respondent is unable to pay. However,
16 in cases where the Division Office of State Guardian is the
17 petitioner, consistent with Section 30 of the Guardianship and
18 Advocacy Act, no expert services fees shall be assessed
19 against the Division Office of the State Guardian.

20 (c) Unless the court otherwise directs, any report
21 prepared pursuant to this Section shall not be made part of the
22 public record of the proceedings but shall be available to the
23 court or an appellate court in which the proceedings are
24 subject to review, to the respondent, the petitioner, the
25 guardian, and their attorneys, to the respondent's guardian ad
26 litem, and to such other persons as the court may direct.

1 Accessibility to a report prepared pursuant to this
2 Section shall be in accordance with Section 5 of the Court
3 Record and Document Accessibility Act.

4 (Source: P.A. 102-109, eff. 1-1-22; 103-166, eff. 1-1-24.)

5 (755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

6 Sec. 11a-12. Order of appointment.

7 (a) If basis for the appointment of a guardian as
8 specified in Section 11a-3 is not found, the court shall
9 dismiss the petition.

10 (b) If the respondent is adjudged to be a person with a
11 disability and to lack some but not all of the capacity as
12 specified in Section 11a-3, and if the court finds that
13 guardianship is necessary for the protection of the person
14 with a disability, his or her estate, or both, the court shall
15 appoint a limited guardian for the respondent's person or
16 estate or both. The court shall enter a written order stating
17 the factual basis for its findings and specifying the duties
18 and powers of the guardian and the legal disabilities to which
19 the respondent is subject.

20 (c) If the respondent is adjudged to be a person with a
21 disability and to be totally without capacity as specified in
22 Section 11a-3, and if the court finds that limited
23 guardianship will not provide sufficient protection for the
24 person with a disability, his or her estate, or both, the court
25 shall appoint a plenary guardian for the respondent's person

1 or estate or both. The court shall enter a written order
2 stating the factual basis for its findings.

3 (d) The selection of the guardian shall be in the
4 discretion of the court, which shall give due consideration to
5 the preference of the person with a disability as to a
6 guardian, as well as the qualifications of the proposed
7 guardian, in making its appointment. However, the paramount
8 concern in the selection of the guardian is the best interests
9 and well-being of the person with a disability.

10 One person or agency may be appointed a limited or plenary
11 guardian of the person and another person or corporate trustee
12 appointed as a limited or plenary guardian of the estate. If
13 different persons are appointed, the court shall consider the
14 factors set forth in subsection (b-5) of Section 11a-5. The
15 court shall enter a written order stating the factual basis
16 for its findings.

17 (e) The order of appointment of a guardian shall include
18 the requirement that the guardian complete the training
19 program as provided in Section 33.5 of the Guardianship and
20 Advocacy Act that outlines the responsibilities of the
21 guardian of the person and the rights of the person under
22 guardianship and file with the court a certificate of
23 completion within one year from the date of issuance of the
24 letters of guardianship, except that: (1) the chief judge of
25 any circuit may order implementation of another training
26 program by a suitable provider containing substantially

1 similar content; (2) employees of the Division ~~Office~~ of ~~the~~
2 State Guardian, public guardians, attorneys currently
3 authorized to practice law, corporate fiduciaries, and persons
4 certified by the Center for Guardianship Certification are
5 exempt from this training requirement; and (3) the court may,
6 for good cause shown, exempt from this requirement an
7 individual not otherwise listed in item (2). For the purposes
8 of this subsection (e), good cause may be proven by affidavit.
9 If the court finds good cause to exempt an individual from the
10 training requirement, the order of appointment shall so state.
11 (Source: P.A. 104-237, eff. 1-1-26.)

12 (755 ILCS 5/11a-13) (from Ch. 110 1/2, par. 11a-13)

13 Sec. 11a-13. Costs in certain cases.)

14 (a) No costs may be taxed or charged by any public officer
15 in any proceeding for the appointment of a guardian or for any
16 subsequent proceeding or report made in pursuance of the
17 appointment when the primary purpose of the appointment is as
18 set forth in Section 11-11 or is the management of the estate
19 of a person with a mental disability who resides in a state
20 mental health or developmental disabilities facility when the
21 value of the personal estate does not exceed \$1,000.

22 (b) No costs shall be taxed or charged against the
23 Division ~~Office~~ of ~~the~~ State Guardian by any public officer in
24 any proceeding for the appointment of a guardian or for any
25 subsequent proceeding or report made in pursuance of the

1 appointment.

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

3 (755 ILCS 5/11a-14.1) (from Ch. 110 1/2, par. 11a-14.1)

4 Sec. 11a-14.1. Residential placement.) No guardian
5 appointed under this Article, except for duly appointed Public
6 Guardians and the Division ~~Office~~ of State Guardian, shall
7 have the power, unless specified by court order, to place his
8 ward in a residential facility. The guardianship order may
9 specify the conditions on which the guardian may admit the
10 ward to a residential facility without further court order. In
11 making residential placement decisions, the guardian shall
12 make decisions in conformity with the preferences of the ward
13 unless the guardian is reasonably certain that the decisions
14 will result in substantial harm to the ward or to the ward's
15 estate. When the preferences of the ward cannot be ascertained
16 or where they will result in substantial harm to the ward or to
17 the ward's estate, the guardian shall make decisions with
18 respect to the ward's placement which are in the best
19 interests of the ward. The guardian shall not remove the ward
20 from his or her home or separate the ward from family and
21 friends unless such removal is necessary to prevent
22 substantial harm to the ward or to the ward's estate. The
23 guardian shall have a duty to investigate the availability of
24 reasonable residential alternatives. The guardian shall
25 monitor the placement of the ward on an on-going basis to

1 ensure its continued appropriateness, and shall pursue
2 appropriate alternatives as needed.

3 (Source: P.A. 90-250, eff. 7-29-97.)

4 (755 ILCS 5/11a-17) (from Ch. 110 1/2, par. 11a-17)

5 Sec. 11a-17. Duties of personal guardian.

6 (a) To the extent ordered by the court and under the
7 direction of the court, the guardian of the person shall have
8 custody of the ward and the ward's minor and adult dependent
9 children and shall procure for them and shall make provision
10 for their support, care, comfort, health, education and
11 maintenance, and professional services as are appropriate, but
12 the ward's spouse may not be deprived of the custody and
13 education of the ward's minor and adult dependent children,
14 without the consent of the spouse, unless the court finds that
15 the spouse is not a fit and competent person to have that
16 custody and education. The guardian shall assist the ward in
17 the development of maximum self-reliance and independence. The
18 guardian of the person may petition the court for an order
19 directing the guardian of the estate to pay an amount
20 periodically for the provision of the services specified by
21 the court order. If the ward's estate is insufficient to
22 provide for education and the guardian of the ward's person
23 fails to provide education, the court may award the custody of
24 the ward to some other person for the purpose of providing
25 education. If a person makes a settlement upon or provision

1 for the support or education of a ward, the court may make an
2 order for the visitation of the ward by the person making the
3 settlement or provision as the court deems proper. A guardian
4 of the person may not admit a ward to a mental health facility
5 except at the ward's request as provided in Article IV of the
6 Mental Health and Developmental Disabilities Code and unless
7 the ward has the capacity to consent to such admission as
8 provided in Article IV of the Mental Health and Developmental
9 Disabilities Code.

10 (a-3) If a guardian of an estate has not been appointed,
11 the guardian of the person may, without an order of court,
12 open, maintain, and transfer funds to an ABLE account on
13 behalf of the ward and the ward's minor and adult dependent
14 children as specified under Section 16.6 of the State
15 Treasurer Act.

16 (a-5) If the ward filed a petition for dissolution of
17 marriage under the Illinois Marriage and Dissolution of
18 Marriage Act before the ward was adjudicated a person with a
19 disability under this Article, the guardian of the ward's
20 person and estate may maintain that action for dissolution of
21 marriage on behalf of the ward. Upon petition by the guardian
22 of the ward's person or estate, the court may authorize and
23 direct a guardian of the ward's person or estate to file a
24 petition for dissolution of marriage or to file a petition for
25 legal separation or declaration of invalidity of marriage
26 under the Illinois Marriage and Dissolution of Marriage Act on

1 behalf of the ward if the court finds by clear and convincing
2 evidence that the relief sought is in the ward's best
3 interests. In making its determination, the court shall
4 consider the standards set forth in subsection (e) of this
5 Section.

6 (a-10) Upon petition by the guardian of the ward's person
7 or estate, the court may authorize and direct a guardian of the
8 ward's person or estate to consent, on behalf of the ward, to
9 the ward's marriage pursuant to Part II of the Illinois
10 Marriage and Dissolution of Marriage Act if the court finds by
11 clear and convincing evidence that the marriage is in the
12 ward's best interests. In making its determination, the court
13 shall consider the standards set forth in subsection (e) of
14 this Section. Upon presentation of a court order authorizing
15 and directing a guardian of the ward's person and estate to
16 consent to the ward's marriage, the county clerk shall accept
17 the guardian's application, appearance, and signature on
18 behalf of the ward for purposes of issuing a license to marry
19 under Section 203 of the Illinois Marriage and Dissolution of
20 Marriage Act.

21 (b) If the court directs, the guardian of the person shall
22 file with the court at intervals indicated by the court, a
23 report that shall state briefly: (1) the current mental,
24 physical, and social condition of the ward and the ward's
25 minor and adult dependent children; (2) their present living
26 arrangement, and a description and the address of every

1 residence where they lived during the reporting period and the
2 length of stay at each place; (3) a summary of the medical,
3 educational, vocational, and other professional services given
4 to them; (4) a resume of the guardian's visits with and
5 activities on behalf of the ward and the ward's minor and adult
6 dependent children; (5) a recommendation as to the need for
7 continued guardianship; (6) any other information requested by
8 the court or useful in the opinion of the guardian. The
9 Division Office of ~~the~~ State Guardian shall assist the
10 guardian in filing the report when requested by the guardian.
11 The court may take such action as it deems appropriate
12 pursuant to the report.

13 (c) Absent court order pursuant to the Illinois Power of
14 Attorney Act directing a guardian to exercise powers of the
15 principal under an agency that survives disability, the
16 guardian has no power, duty, or liability with respect to any
17 personal or health care matters covered by the agency. This
18 subsection (c) applies to all agencies, whenever and wherever
19 executed.

20 (d) A guardian acting as a surrogate decision maker under
21 the Health Care Surrogate Act shall have all the rights of a
22 surrogate under that Act without court order including the
23 right to make medical treatment decisions such as decisions to
24 forgo or withdraw life-sustaining treatment. Any decisions by
25 the guardian to forgo or withdraw life-sustaining treatment
26 that are not authorized under the Health Care Surrogate Act

1 shall require a court order. Nothing in this Section shall
2 prevent an agent acting under a power of attorney for health
3 care from exercising his or her authority under the Illinois
4 Power of Attorney Act without further court order, unless a
5 court has acted under Section 2-10 of the Illinois Power of
6 Attorney Act. If a guardian is also a health care agent for the
7 ward under a valid power of attorney for health care, the
8 guardian acting as agent may execute his or her authority
9 under that act without further court order.

10 (e) Decisions made by a guardian on behalf of a ward shall
11 be made in accordance with the following standards for
12 decision making. The guardian shall consider the ward's
13 current preferences to the extent the ward has the ability to
14 participate in decision making when those preferences are
15 known or reasonably ascertainable by the guardian. Decisions
16 by the guardian shall conform to the ward's current
17 preferences: (1) unless the guardian reasonably believes that
18 doing so would result in substantial harm to the ward's
19 welfare or personal or financial interests; and (2) so long as
20 such decisions give substantial weight to what the ward, if
21 competent, would have done or intended under the
22 circumstances, taking into account evidence that includes, but
23 is not limited to, the ward's personal, philosophical,
24 religious and moral beliefs, and ethical values relative to
25 the decision to be made by the guardian. Where possible, the
26 guardian shall determine how the ward would have made a

1 decision based on the ward's previously expressed preferences,
2 and make decisions in accordance with the preferences of the
3 ward. If the ward's wishes are unknown and remain unknown
4 after reasonable efforts to discern them, or if the guardian
5 reasonably believes that a decision made in conformity with
6 the ward's preferences would result in substantial harm to the
7 ward's welfare or personal or financial interests, the
8 decision shall be made on the basis of the ward's best
9 interests as determined by the guardian. In determining the
10 ward's best interests, the guardian shall weigh the reason for
11 and nature of the proposed action, the benefit or necessity of
12 the action, the possible risks and other consequences of the
13 proposed action, and any available alternatives and their
14 risks, consequences and benefits, and shall take into account
15 any other information, including the views of family and
16 friends, that the guardian believes the ward would have
17 considered if able to act for herself or himself.

18 (f) Upon petition by any interested person (including the
19 standby or short-term guardian), with such notice to
20 interested persons as the court directs and a finding by the
21 court that it is in the best interests of the person with a
22 disability, the court may terminate or limit the authority of
23 a standby or short-term guardian or may enter such other
24 orders as the court deems necessary to provide for the best
25 interests of the person with a disability. The petition for
26 termination or limitation of the authority of a standby or

1 short-term guardian may, but need not, be combined with a
2 petition to have another guardian appointed for the person
3 with a disability.

4 (g)(1) Unless there is a court order to the contrary, the
5 guardian, consistent with the standards set forth in
6 subsection (e) of this Section, shall use reasonable efforts
7 to notify the ward's known adult children, who have requested
8 notification and provided contact information, of the ward's
9 admission to a hospital, hospice, or palliative care program,
10 the ward's death, and the arrangements for the disposition of
11 the ward's remains.

12 (2) If a guardian unreasonably prevents an adult child,
13 spouse, adult grandchild, parent, or adult sibling of the ward
14 from visiting the ward, the court, upon a verified petition,
15 may order the guardian to permit visitation between the ward
16 and the adult child, spouse, adult grandchild, parent, or
17 adult sibling. In making its determination, the court shall
18 consider the standards set forth in subsection (e) of this
19 Section. The court shall not allow visitation if the court
20 finds that the ward has capacity to evaluate and communicate
21 decisions regarding visitation and expresses a desire not to
22 have visitation with the petitioner. This subsection (g) does
23 not apply to duly appointed public guardians or the Division
24 ~~Office~~ of State Guardian.

25 (Source: P.A. 101-329, eff. 8-9-19; 102-72, eff. 1-1-22;
26 102-258, eff. 8-6-21; 102-813, eff. 5-13-22.)

1 (755 ILCS 5/12-4) (from Ch. 110 1/2, par. 12-4)

2 Sec. 12-4. When security excused or specified.†

3 (a) Except as provided in paragraph (c) of Section 6-13
4 with respect to a nonresident executor, no security is
5 required of a person who is excused by the will from giving
6 bond or security and no greater security than is specified by
7 the will is required, unless in either case the court, from its
8 own knowledge or the suggestion of any interested person, has
9 cause to suspect the representative of fraud or incompetence
10 or believes that the estate of the decedent will not be
11 sufficient to discharge all the claims against the estate, or
12 in the case of a testamentary guardian of the estate, that the
13 rights of the ward will be prejudiced by failure to give
14 security.

15 (b) If a person designates a guardian of his person or
16 estate or both to be appointed in the event he is adjudged a
17 person with a disability as provided in Section 11a-6 and
18 excuses the guardian from giving bond or security, or if the
19 guardian is the Division ~~Office~~ of State Guardian, the
20 guardian's bond in the amount from time to time required under
21 this Article shall be in full force and effect without
22 writing, unless the court requires the filing of a written
23 bond.

24 (c) The Division ~~Office~~ of State Guardian shall not be
25 required to have sureties or surety companies as security on

1 its bonds. The oath and bond of the representative without
2 surety shall be sufficient.

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

4 (755 ILCS 5/13-1) (from Ch. 110 1/2, par. 13-1)

5 Sec. 13-1. Appointment and term of public administrator
6 and public guardian.

7 (a) Except as provided in Section 13-1.1, before the first
8 Monday of December, 1977 and every 4 years thereafter, and as
9 often as vacancies occur, the Governor, by and with the advice
10 and consent of the Senate, shall appoint in each county a
11 suitable person to serve as public administrator and a
12 suitable person to serve as public guardian of the county. The
13 Governor may designate, without the advice and consent of the
14 Senate, the Division ~~Office~~ of State Guardian as an interim
15 public guardian to fill a vacancy in one or more counties
16 having a population of 500,000 or less if the designation:

17 (1) is specifically designated as an interim
18 appointment for a term of the lesser of one year or until
19 the Governor appoints, with the advice and consent of the
20 Senate, a county public guardian to fill the vacancy;

21 (2) requires the Division ~~Office~~ of State Guardian to
22 affirm its availability to act in the county; and

23 (3) expires in a pending case of a person with a
24 disability in the county at such a time as the court
25 appoints a qualified successor guardian of the estate and

1 person for the person with a disability.

2 When appointed as an interim public guardian, the Division
3 of State Guardian will perform the powers and duties assigned
4 to it under the Guardianship and Advocacy Act.

5 The Governor may appoint the same person to serve as
6 public guardian and public administrator in one or more
7 counties. In considering the number of counties of service for
8 any prospective public guardian or public administrator the
9 Governor may consider the population of the county and the
10 ability of the prospective public guardian or public
11 administrator to travel to multiple counties and manage
12 estates in multiple counties. Each person so appointed holds
13 his office for 4 years from the first Monday of December, 1977
14 and every 4 years thereafter or until his successor is
15 appointed and qualified.

16 (b) Within 14 days of notification to the current public
17 guardian of the appointment by the Governor of a new public
18 guardian pursuant to this Section, the outgoing public
19 guardian shall provide the incoming successor public guardian
20 with a list of current guardianships. Within 60 days of
21 receipt of the list of guardianships, the incoming public
22 guardian may petition the court for a transfer of a
23 guardianship to the incoming public guardian. The transfer of
24 a guardianship of the person, estate, or both shall be made if
25 it is in the best interests of the ward as determined by the
26 court on a case-by-case basis.

1 Factors for the court to consider include, but are not
2 limited to, the following:

3 (1) the ward's preference as to the transfer of the
4 guardianship;

5 (2) the recommendation of the guardian ad litem, the
6 ward's family members, and other interested parties;

7 (3) the length of time in which the outgoing public
8 guardian has served as guardian for the ward;

9 (4) the ward's relationship with the outgoing public
10 guardian's office;

11 (5) the nature and extent of the ward's disabilities;

12 (6) the ward's current residential placement, his or
13 her current support network, and ongoing needs;

14 (7) the costs involved in the transfer of the ward's
15 estate;

16 (8) the status of pending legal matters or other
17 matters germane to the ward's care or the management of
18 the ward's estate;

19 (9) the obligation to post bond and the cost thereof;

20 (10) the guardians' status with regard to
21 certification by the Center for Guardianship
22 Certification; and

23 (11) other good causes.

24 If the court approves a transfer to the incoming public
25 guardian, the outgoing public guardian shall file a final
26 account of his or her activities on behalf of the ward within

1 30 days or within such other time that the court may allow. The
2 outgoing public guardian may file a petition for final fees
3 pursuant to subsection (b) of Section 13-3.1.

4 (Source: P.A. 102-72, eff. 1-1-22.)

5 (755 ILCS 5/13-1.2)

6 Sec. 13-1.2. Certification requirement. Each person
7 appointed as a public guardian by the Governor shall be
8 certified as a National Certified Guardian by the Center for
9 Guardianship Certification within 6 months after his or her
10 appointment. The Department of Disability Advocacy and
11 Guardianship and Advocacy Commission shall provide public
12 guardians with information about certification requirements
13 and procedures for testing and certification offered by the
14 Center for Guardianship Certification. The cost of
15 certification shall be considered an expense connected with
16 the operation of the public guardian's office within the
17 meaning of subsection (b) of Section 13-3.1 of this Article.

18 A public guardian shall additionally complete a one-hour
19 course regarding Alzheimer's disease and dementia within 6
20 months of appointment and annually thereafter. The training
21 program shall include, but not be limited to, the following
22 topics: effective communication strategies; best practices for
23 interacting with people with Alzheimer's disease and related
24 forms of dementia; and strategies for supporting people living
25 with Alzheimer's disease or related forms of dementia in

1 exercising their rights.

2 (Source: P.A. 103-64, eff. 1-1-24.)

3 Section 10-130. The Supported Decision-Making Agreement
4 Act is amended by changing Section 30 as follows:

5 (755 ILCS 9/30)

6 Sec. 30. Supporter duties.

7 (a) Except as otherwise provided by a supported
8 decision-making agreement, a supporter may:

9 (1) Assist the principal in understanding information,
10 options, responsibilities, and consequences of the life
11 decisions of the principal, including those decisions
12 related to the affairs or support services of the
13 principal.

14 (2) Help the principal access, obtain, and understand
15 any information that is relevant to any given life
16 decision, including a medical, psychological, financial,
17 or educational decision, or any treatment records or
18 records necessary to manage the affairs or support
19 services of the principal.

20 (3) Assist the principal in finding, obtaining, making
21 appointments for, and implementing the support services or
22 plans for support services of the principal.

23 (4) Help the principal monitor information about the
24 affairs or support services of the principal, including

1 keeping track of future necessary or recommended services.

2 (5) Ascertain the wishes and decisions of the
3 principal in order to advocate that the wishes and
4 decisions of an individual with disabilities are
5 implemented.

6 (b) A supporter shall act with the care, competence, and
7 diligence ordinarily exercised by an individual in a similar
8 circumstance, with due regard to the possession of, or lack
9 of, special skills or expertise.

10 (c) A supporter shall seek training and education
11 regarding the responsibilities and limitations of the
12 supporter role. The Department of Disability Advocacy and
13 Guardianship and Advocacy Commission shall provide public
14 information about this Act and the supporter role,
15 responsibilities, and limitations.

16 The Department of Disability Advocacy and Guardianship ~~and~~
17 ~~Advocacy Commission~~ shall develop training and education
18 materials for both principals and supporters, including, but
19 not limited to, sample agreements that will be posted on the
20 website of the Department ~~Commission~~ along with public
21 awareness materials.

22 (Source: P.A. 102-614, eff. 2-27-22.)

23 Section 10-135. The Illinois Power of Attorney Act is
24 amended by changing Section 2-7 as follows:

1 (755 ILCS 45/2-7) (from Ch. 110 1/2, par. 802-7)

2 Sec. 2-7. Duty - standard of care - record-keeping -
3 exoneration.

4 (a) The agent shall be under no duty to exercise the powers
5 granted by the agency or to assume control of or
6 responsibility for any of the principal's property, care or
7 affairs, regardless of the principal's physical or mental
8 condition. Whenever a power is exercised, the agent shall act
9 in good faith for the benefit of the principal using due care,
10 competence, and diligence in accordance with the terms of the
11 agency and shall be liable for negligent exercise. An agent
12 who acts with due care for the benefit of the principal shall
13 not be liable or limited merely because the agent also
14 benefits from the act, has individual or conflicting interests
15 in relation to the property, care or affairs of the principal
16 or acts in a different manner with respect to the agency and
17 the agent's individual interests. The agent shall not be
18 affected by any amendment or termination of the agency until
19 the agent has actual knowledge thereof. The agent shall not be
20 liable for any loss due to error of judgment nor for the act or
21 default of any other person.

22 (b) An agent that has accepted appointment must act in
23 accordance with the principal's expectations to the extent
24 actually known to the agent and otherwise in the principal's
25 best interests.

26 (c) An agent shall keep a record of all receipts,

1 disbursements, and significant actions taken under the
2 authority of the agency and shall provide a copy of this record
3 when requested to do so by:

4 (1) the principal, a guardian, another fiduciary
5 acting on behalf of the principal, and, after the death of
6 the principal, the personal representative or successors
7 in interest of the principal's estate;

8 (2) a representative of a provider agency, as defined
9 in Section 2 of the Adult Protective Services Act, acting
10 in the course of an assessment of a complaint of elder
11 abuse or neglect under that Act;

12 (3) a representative of the Office of the State Long
13 Term Care Ombudsman, acting in the course of an
14 investigation of a complaint of financial exploitation of
15 a nursing home resident under Section 4.04 of the Illinois
16 Act on the Aging;

17 (4) a representative of the Office of Inspector
18 General for the Department of Human Services, acting in
19 the course of an assessment of a complaint of financial
20 exploitation of an adult with disabilities pursuant to
21 Section 35 of the Abuse of Adults with Disabilities
22 Intervention Act;

23 (5) a court under Section 2-10 of this Act; or

24 (6) a representative of the Division ~~Office~~ of State
25 Guardian or public guardian for the county in which the
26 principal resides acting in the course of investigating

1 whether to file a petition for guardianship of the
2 principal under Section 11a-4 or 11a-8 of the Probate Act
3 of 1975.

4 (d) If the agent fails to provide his or her record of all
5 receipts, disbursements, and significant actions within 21
6 days after a request under subsection (c), the adult abuse
7 provider agency, the Division of State Guardian, the public
8 guardian, or a representative of the Office of the State Long
9 Term Care Ombudsman may petition the court for an order
10 requiring the agent to produce his or her record of receipts,
11 disbursements, and significant actions. If the court finds
12 that the agent's failure to provide his or her record in a
13 timely manner to the adult abuse provider agency, the Division
14 of State Guardian, the public guardian, or a representative of
15 the Office of the State Long Term Care Ombudsman was without
16 good cause, the court may assess reasonable costs and
17 attorney's fees against the agent, and order such other relief
18 as is appropriate.

19 (e) An agent is not required to disclose receipts,
20 disbursements, or other significant actions conducted on
21 behalf of the principal except as otherwise provided in the
22 power of attorney or as required under subsection (c).

23 (f) An agent that violates this Act is liable to the
24 principal or the principal's successors in interest for the
25 amount required (i) to restore the value of the principal's
26 property to what it would have been had the violation not

1 occurred, and (ii) to reimburse the principal or the
2 principal's successors in interest for the attorney's fees and
3 costs paid on the agent's behalf. This subsection does not
4 limit any other applicable legal or equitable remedies.

5 (Source: P.A. 100-952, eff. 1-1-19.)

6 Article 15.

7 Section 15-5. The Illinois Human Rights Act is amended by
8 changing Sections 7-101, 7A-102, 7B-102, 8-101, and 8-105 and
9 by adding Section 9-103 as follows:

10 (775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

11 Sec. 7-101. Powers and duties. In addition to other powers
12 and duties prescribed in this Act, the Department shall have
13 the following powers:

14 (A) Rules and Regulations. To adopt, promulgate, amend,
15 and rescind rules and regulations not inconsistent with the
16 provisions of this Act pursuant to the Illinois Administrative
17 Procedure Act.

18 (B) Charges. To issue, receive, investigate, conciliate,
19 settle, and dismiss charges filed in conformity with this Act.

20 (C) Compulsory Process. To issue ~~request~~ subpoenas as it
21 deems necessary for its investigations.

22 (D) Complaints. To file complaints with the Commission in
23 conformity with this Act and to intervene in complaints

1 pending before the Commission filed under Article 2, 4, 5, 5A,
2 or 6.

3 (E) Judicial Enforcement. To seek temporary relief and to
4 enforce orders of the Commission in conformity with this Act.

5 (F) Equal Employment Opportunities. To take such action as
6 may be authorized to provide for equal employment
7 opportunities and affirmative action.

8 (G) Recruitment; Research; Public Communication; Advisory
9 Councils. To engage in such recruitment, research and public
10 communication and create such advisory councils as may be
11 authorized to effectuate the purposes of this Act.

12 (H) Coordination with other Agencies. To coordinate its
13 activities with federal, state, and local agencies in
14 conformity with this Act.

15 (I) Grants; Private Gifts.

16 (1) To accept public grants and private gifts as may
17 be authorized.

18 (2) To design grant programs and award grants to
19 eligible recipients.

20 (J) Education and Training. To implement a formal and
21 unbiased program of education and training for all employees
22 assigned to investigate and conciliate charges under Articles
23 7A and 7B. The training program shall include the following:

24 (1) substantive and procedural aspects of the
25 investigation and conciliation positions;

26 (2) current issues in human rights law and practice;

1 (3) lectures by specialists in substantive areas
2 related to human rights matters;

3 (4) orientation to each operational unit of the
4 Department and Commission;

5 (5) observation of experienced Department
6 investigators and attorneys conducting conciliation
7 conferences, combined with the opportunity to discuss
8 evidence presented and rulings made;

9 (6) the use of hypothetical cases requiring the
10 Department investigator and conciliation conference
11 attorney to issue judgments as a means of ~~to~~ evaluating
12 knowledge and writing ability;

13 (7) writing skills;

14 (8) computer skills, including but not limited to word
15 processing and document management.

16 A formal, unbiased and ongoing professional development
17 program including, but not limited to, the above-noted areas
18 shall be implemented to keep Department investigators and
19 attorneys informed of recent developments and issues and to
20 assist them in maintaining and enhancing their professional
21 competence.

22 (K) Hotlines. To establish and maintain hotlines and
23 helplines to aid in effectuating the purposes of this Act
24 including the confidential reporting of discrimination,
25 harassment, and bias incidents. All communications received or
26 sent via the hotlines and helplines are exempt from disclosure

1 under the Freedom of Information Act.

2 (Source: P.A. 102-1115, eff. 1-9-23; 103-335, eff. 1-1-24;
3 103-859, eff. 1-1-25.)

4 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

5 Sec. 7A-102. Procedures.

6 (A) Charge.

7 (1) Within 2 years after the date that a civil rights
8 violation allegedly has been committed, a charge in
9 writing under oath or affirmation may be filed with the
10 Department by an aggrieved party or issued by the
11 Department itself under the signature of the Director.

12 (2) The charge shall be in such detail as to
13 substantially apprise any party properly concerned as to
14 the time, place, and facts surrounding the alleged civil
15 rights violation.

16 (3) Charges deemed filed with the Department pursuant
17 to subsection (A-1) of this Section shall be deemed to be
18 in compliance with this subsection.

19 (A-1) Equal Employment Opportunity Commission Charges.

20 (1) If a charge is filed with the Equal Employment
21 Opportunity Commission (EEOC) within 300 calendar days
22 after the date of the alleged civil rights violation, the
23 charge shall be deemed filed with the Department on the
24 date filed with the EEOC. If the EEOC is the governmental
25 agency designated to investigate the charge first, the

1 Department shall take no action until the EEOC makes a
2 determination on the charge and after the complainant
3 notifies the Department of the EEOC's determination. In
4 such cases, after receiving notice from the EEOC that a
5 charge was filed, the Department shall notify the parties
6 that (i) a charge has been received by the EEOC and has
7 been sent to the Department for dual filing purposes; (ii)
8 the EEOC is the governmental agency responsible for
9 investigating the charge and that the investigation shall
10 be conducted pursuant to the rules and procedures adopted
11 by the EEOC; (iii) it will take no action on the charge
12 until the EEOC issues its determination; (iv) the
13 complainant must submit a copy of the EEOC's determination
14 within 30 days after service of the determination by the
15 EEOC on the complainant; and (v) that the time period to
16 investigate the charge contained in subsection (G) of this
17 Section is tolled from the date on which the charge is
18 filed with the EEOC until the EEOC issues its
19 determination.

20 (2) If the EEOC finds reasonable cause to believe that
21 there has been a violation of federal law and if the
22 Department is timely notified of the EEOC's findings by
23 the complainant, the Department shall notify the
24 complainant that the Department has adopted the EEOC's
25 determination of reasonable cause and that the complainant
26 has the right, within 90 days after receipt of the

1 Department's notice, to either file the complainant's own
2 complaint with the Illinois Human Rights Commission or
3 commence a civil action in the appropriate circuit court
4 or other appropriate court of competent jurisdiction. This
5 notice shall be provided to the complainant within 10
6 business days after the Department's receipt of the EEOC's
7 determination. The Department's notice to the complainant
8 that the Department has adopted the EEOC's determination
9 of reasonable cause shall constitute the Department's
10 Report for purposes of subparagraph (D) of this Section.

11 (3) For those charges alleging violations within the
12 jurisdiction of both the EEOC and the Department and for
13 which the EEOC either (i) does not issue a determination,
14 but does issue the complainant a notice of a right to sue,
15 including when the right to sue is issued at the request of
16 the complainant, or (ii) determines that it is unable to
17 establish that illegal discrimination has occurred and
18 issues the complainant a right to sue notice, and if the
19 Department is timely notified of the EEOC's determination
20 by the complainant, the Department shall notify the
21 parties, within 10 business days after receipt of the
22 EEOC's determination, that the Department will adopt the
23 EEOC's determination as a dismissal for lack of
24 substantial evidence unless the complainant requests in
25 writing within 35 days after receipt of the Department's
26 notice that the Department review the EEOC's

1 determination.

2 (a) If the complainant does not file a written
3 request with the Department to review the EEOC's
4 determination within 35 days after receipt of the
5 Department's notice, the Department shall notify the
6 complainant, within 10 business days after the
7 expiration of the 35-day period, that the decision of
8 the EEOC has been adopted by the Department as a
9 dismissal for lack of substantial evidence and that
10 the complainant has the right, within 90 days after
11 receipt of the Department's notice, to commence a
12 civil action in the appropriate circuit court or other
13 appropriate court of competent jurisdiction. The
14 Department's notice to the complainant that the
15 Department has adopted the EEOC's determination shall
16 constitute the Department's report for purposes of
17 subparagraph (D) of this Section.

18 (b) If the complainant does file a written request
19 with the Department to review the EEOC's
20 determination, the Department shall review the EEOC's
21 determination and any evidence obtained by the EEOC
22 during its investigation. If, after reviewing the
23 EEOC's determination and any evidence obtained by the
24 EEOC, the Department determines there is no need for
25 further investigation of the charge, the Department
26 shall issue a report and the Director shall determine

1 whether there is substantial evidence that the alleged
2 civil rights violation has been committed pursuant to
3 subsection (D) of this Section. If, after reviewing
4 the EEOC's determination and any evidence obtained by
5 the EEOC, the Department determines there is a need
6 for further investigation of the charge, the
7 Department may conduct any further investigation it
8 deems necessary. After reviewing the EEOC's
9 determination, the evidence obtained by the EEOC, and
10 any additional investigation conducted by the
11 Department, the Department shall issue a report and
12 the Director shall determine whether there is
13 substantial evidence that the alleged civil rights
14 violation has been committed pursuant to subsection
15 (D) of this Section.

16 (4) Pursuant to this Section, if the EEOC dismisses
17 the charge or a portion of the charge of discrimination
18 because, under federal law, the EEOC lacks jurisdiction
19 over the charge, and if, under this Act, the Department
20 has jurisdiction over the charge of discrimination, the
21 Department shall investigate the charge or portion of the
22 charge dismissed by the EEOC for lack of jurisdiction
23 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
24 (E), (F), (G), (H), (I), (J), and (K) of this Section.

25 (5) The time limit set out in subsection (G) of this
26 Section is tolled from the date on which the charge is

1 filed with the EEOC to the date on which the EEOC issues
2 its determination.

3 (6) The failure of the Department to meet the
4 10-business-day notification deadlines set out in
5 paragraph (2) of this subsection shall not impair the
6 rights of any party.

7 (B) Notice and Response to Charge. The Department shall,
8 within 10 days of the date on which the charge was filed, serve
9 a copy of the charge on the respondent and provide all parties
10 with a notice of the complainant's right to opt out of the
11 investigation within 60 days as set forth in subsection (C-1).
12 This period shall not be construed to be jurisdictional. The
13 charging party and the respondent may each file a position
14 statement and other materials with the Department regarding
15 the charge of alleged discrimination within 60 days of receipt
16 of the notice of the charge. The position statements and other
17 materials filed shall remain confidential unless otherwise
18 agreed to by the party providing the information and shall not
19 be served on or made available to the other party during the
20 pendency of a charge with the Department. The Department may
21 require the respondent to file a response to the allegations
22 contained in the charge. Upon the Department's request, the
23 respondent shall file a response to the charge within 60 days
24 and shall serve a copy of its response on the complainant or
25 the complainant's representative. Notwithstanding any request
26 from the Department, the respondent may elect to file a

1 response to the charge within 60 days of receipt of notice of
2 the charge, provided the respondent serves a copy of its
3 response on the complainant or the complainant's
4 representative. All allegations contained in the charge not
5 denied by the respondent within 60 days of the Department's
6 request for a response may be deemed admitted, unless the
7 respondent states that it is without sufficient information to
8 form a belief with respect to such allegation. The Department
9 may issue a notice of default directed to any respondent who
10 fails to file a response to a charge within 60 days of receipt
11 of the Department's request, unless the respondent can
12 demonstrate good cause as to why such notice should not issue.
13 The term "good cause" shall be defined by rule promulgated by
14 the Department. Within 30 days of receipt of the respondent's
15 response, the complainant may file a reply to said response
16 and shall serve a copy of said reply on the respondent or the
17 respondent's representative. A party shall have the right to
18 supplement the party's response or reply at any time that the
19 investigation of the charge is pending. The Department shall,
20 within 10 days of the date on which the charge was filed, and
21 again no later than 335 days thereafter, send by certified or
22 registered mail, or electronic mail if elected by the party,
23 written notice to the complainant and to the respondent
24 informing the complainant of the complainant's rights to
25 either file a complaint with the Human Rights Commission or
26 commence a civil action in the appropriate circuit court under

1 subparagraph (2) of paragraph (G), including in such notice
2 the dates within which the complainant may exercise these
3 rights. In the notice the Department shall notify the
4 complainant that the charge of civil rights violation will be
5 dismissed with prejudice and with no right to further proceed
6 if a written complaint is not timely filed with the Commission
7 or with the appropriate circuit court by the complainant
8 pursuant to subparagraph (2) of paragraph (G) or by the
9 Department pursuant to subparagraph (1) of paragraph (G).

10 (B-1) Mediation. The complainant and respondent may agree
11 to voluntarily submit the charge to mediation without waiving
12 any rights that are otherwise available to either party
13 pursuant to this Act and without incurring any obligation to
14 accept the result of the mediation process. Nothing occurring
15 in mediation shall be disclosed by the Department or
16 admissible in evidence in any subsequent proceeding unless the
17 complainant and the respondent agree in writing that such
18 disclosure be made.

19 (C) Investigation.

20 (1) The Department shall conduct an investigation
21 sufficient to determine whether the allegations set forth
22 in the charge are supported by substantial evidence unless
23 the complainant elects to opt out of an investigation
24 pursuant to subsection (C-1).

25 (2) The Director or the Director's designated
26 representatives shall have authority to ~~request any member~~

1 ~~of the Commission to~~ issue subpoenas to compel the
2 attendance of a witness or the production for examination
3 of any books, records or documents whatsoever as it deems
4 necessary for the Department's investigations.

5 (3) If any witness whose testimony is required for any
6 investigation resides outside the State, or through
7 illness or any other good cause as determined by the
8 Director is unable to be interviewed by the investigator
9 or appear at a fact-finding ~~fact-finding~~ conference, the
10 witness' testimony or deposition may be taken, within or
11 without the State, in the same manner as is provided for in
12 the taking of depositions in civil cases in circuit
13 courts.

14 (4) Upon reasonable notice to the complainant and the
15 respondent, the Department in its discretion may conduct a
16 fact finding conference. If the complainant and respondent
17 both submit a written request for a fact finding
18 conference prior to 90 days after the date on which the
19 charge was filed, the Department shall conduct a fact
20 finding conference unless prior to the Department's
21 receipt of both requests, the Department has issued its
22 report. Any request for a fact finding conference must
23 include the party's written agreement to grant an
24 extension of 120 days to the time period if requested by
25 the Department to issue its report. If the Department
26 conducts a fact finding conference, a complainant or

1 respondent's failure to attend the conference without good
2 cause shall result in dismissal or default. The term "good
3 cause" shall be defined by rule promulgated by the
4 Department. A notice of dismissal or default shall be
5 issued by the Director. The notice of default issued by
6 the Director shall notify the respondent that a request
7 for review may be filed in writing with the Commission
8 within 30 days of receipt of notice of default. The notice
9 of dismissal issued by the Director shall give the
10 complainant notice of the complainant's right to seek
11 review of the dismissal before the Human Rights Commission
12 or commence a civil action in the appropriate circuit
13 court. If the complainant chooses to have the Human Rights
14 Commission review the dismissal order, the complainant
15 shall file a request for review with the Commission within
16 90 days after receipt of the Director's notice. If the
17 complainant chooses to file a request for review with the
18 Commission, the complainant may not later commence a civil
19 action in a circuit court. If the complainant chooses to
20 commence a civil action in a circuit court, the
21 complainant must do so within 90 days after receipt of the
22 Director's notice.

23 (C-1) Opt out of Department's investigation. At any time
24 within 60 days after receipt of notice of the right to opt out,
25 a complainant may submit a written request seeking notice from
26 the Director indicating that the complainant has opted out of

1 the investigation and may commence a civil action in the
2 appropriate circuit court or other appropriate court of
3 competent jurisdiction. Within 10 business days of receipt of
4 the complainant's request to opt out of the investigation, the
5 Director shall issue a notice to the parties stating that: (i)
6 the complainant has exercised the right to opt out of the
7 investigation; (ii) the complainant has 90 days after receipt
8 of the Director's notice to commence an action in the
9 appropriate circuit court or other appropriate court of
10 competent jurisdiction; and (iii) the Department has ceased
11 its investigation and is administratively closing the charge.
12 The complainant shall notify the Department that a complaint
13 has been filed with the appropriate circuit court by serving a
14 copy of the complaint on the chief legal counsel of the
15 Department within 21 days from the date that the complaint is
16 filed with the appropriate circuit court. This 21-day period
17 for service on the chief legal counsel shall not be construed
18 to be jurisdictional. Once a complainant has opted out of the
19 investigation under this subsection, the complainant may not
20 file or refile a substantially similar charge with the
21 Department arising from the same incident of unlawful
22 discrimination or harassment.

23 (D) Report.

24 (1) Each charge investigated under subsection (C)
25 shall be the subject of a report to the Director. The
26 report shall be a confidential document subject to review

1 by the Director, authorized Department employees, the
2 parties, and, where indicated by this Act, members of the
3 Commission or their designated hearing officers.

4 (2) Upon review of the report, the Director shall
5 determine whether there is substantial evidence that the
6 alleged civil rights violation has been committed. The
7 determination of substantial evidence is limited to
8 determining the need for further consideration of the
9 charge pursuant to this Act and includes, but is not
10 limited to, findings of fact and conclusions, as well as
11 the reasons for the determinations on all material issues.
12 Substantial evidence is evidence which a reasonable mind
13 accepts as sufficient to support a particular conclusion
14 and which consists of more than a mere scintilla but may be
15 somewhat less than a preponderance.

16 (3) If the Director determines that there is no
17 substantial evidence, the charge shall be dismissed by the
18 Director and the Director shall give the complainant
19 notice of the complainant's right to seek review of the
20 notice of dismissal before the Commission or commence a
21 civil action in the appropriate circuit court. If the
22 complainant chooses to have the Human Rights Commission
23 review the notice of dismissal, the complainant shall file
24 a request for review with the Commission within 90 days
25 after receipt of the Director's notice. If the complainant
26 chooses to file a request for review with the Commission,

1 the complainant may not later commence a civil action in a
2 circuit court. If the complainant chooses to commence a
3 civil action in a circuit court, the complainant must do
4 so within 90 days after receipt of the Director's notice.
5 The complainant shall notify the Department that a
6 complaint has been filed by serving a copy of the
7 complaint on the chief legal counsel of the Department
8 within 21 days from the date that the complaint is filed in
9 circuit court. This 21-day period for service on the chief
10 legal counsel shall not be construed to be jurisdictional.

11 (4) If the Director determines that there is
12 substantial evidence, the Director shall notify the
13 complainant and respondent of that determination. The
14 Director shall also notify the parties that the
15 complainant has the right to either commence a civil
16 action in the appropriate circuit court or request that
17 the Department of Human Rights file a complaint with the
18 Human Rights Commission on the complainant's behalf. Any
19 such complaint shall be filed within 90 days after receipt
20 of the Director's notice. If the complainant chooses to
21 have the Department file a complaint with the Human Rights
22 Commission on the complainant's behalf, the complainant
23 must, within 30 days after receipt of the Director's
24 notice, request in writing that the Department file the
25 complaint. If the complainant timely requests that the
26 Department file the complaint, the Department shall file

1 the complaint on the complainant's behalf. If the
2 complainant fails to timely request that the Department
3 file the complaint, the complainant may file the
4 complainant's complaint with the Commission or commence a
5 civil action in the appropriate circuit court. If the
6 complainant files a complaint with the Human Rights
7 Commission, the complainant shall notify the Department
8 that a complaint has been filed by serving a copy of the
9 complaint on the chief legal counsel of the Department
10 within 21 days from the date that the complaint is filed
11 with the Human Rights Commission. This 21-day period for
12 service on the chief legal counsel shall not be construed
13 to be jurisdictional.

14 (E) Conciliation.

15 (1) When there is a finding of substantial evidence,
16 the Department may designate a Department employee who is
17 an attorney licensed to practice in Illinois to endeavor
18 to eliminate the effect of the alleged civil rights
19 violation and to prevent its repetition by means of
20 conference and conciliation.

21 (2) When the Department determines that a formal
22 conciliation conference is necessary, the complainant and
23 respondent shall be notified of the time and place of the
24 conference by registered or certified mail at least 10
25 days prior thereto and either or both parties shall appear
26 at the conference in person or by attorney.

1 (3) The place fixed for the conference shall be within
2 35 miles of the place where the civil rights violation is
3 alleged to have been committed.

4 (4) Nothing occurring at the conference shall be
5 disclosed by the Department unless the complainant and
6 respondent agree in writing that such disclosure be made.

7 (5) The Department's efforts to conciliate the matter
8 shall not stay or extend the time for filing the complaint
9 with the Commission or the circuit court.

10 (F) Complaint.

11 (1) When the complainant requests that the Department
12 file a complaint with the Commission on the complainant's
13 behalf, the Department shall prepare a written complaint,
14 under oath or affirmation, stating the nature of the civil
15 rights violation substantially as alleged in the charge
16 previously filed and the relief sought on behalf of the
17 aggrieved party. The Department shall file the complaint
18 with the Commission.

19 (1.5) If the complainant chooses to file a complaint
20 with the Commission without the Department's assistance,
21 the complainant shall notify the Department that a
22 complaint has been filed by serving a copy of the
23 complaint on the chief legal counsel of the Department
24 within 21 days from the date that the complaint is filed
25 with the Human Rights Commission. This 21-day period for
26 service on the chief legal counsel shall not be construed

1 to be jurisdictional.

2 (2) If the complainant chooses to commence a civil
3 action in a circuit court:

4 (i) The complainant shall file the civil action in
5 the circuit court in the county wherein the civil
6 rights violation was allegedly committed.

7 (ii) The form of the complaint in any such civil
8 action shall be in accordance with the Code of Civil
9 Procedure.

10 (iii) The complainant shall notify the Department
11 that a complaint has been filed by serving a copy of
12 the complaint on the chief legal counsel of the
13 Department within 21 days from the date that the
14 complaint is filed in circuit court. This 21-day
15 period for service on the chief legal counsel shall
16 not be construed to be jurisdictional.

17 (G) Time Limit.

18 (1) When a charge of a civil rights violation has been
19 properly filed, the Department, within 365 days thereof or
20 within any extension of that period agreed to in writing
21 by all parties, shall issue its report as required by
22 subparagraph (D). Any such report shall be duly served
23 upon both the complainant and the respondent.

24 (2) If the Department has not issued its report within
25 365 days after the charge is filed, or any such longer
26 period agreed to in writing by all the parties, the

1 complainant shall have 90 days to either file the
2 complainant's own complaint with the Human Rights
3 Commission or commence a civil action in the appropriate
4 circuit court. If the complainant files a complaint with
5 the Commission, the form of the complaint shall be in
6 accordance with the provisions of paragraph (F)(1). If the
7 complainant commences a civil action in a circuit court,
8 the form of the complaint shall be in accordance with the
9 Code of Civil Procedure. The aggrieved party shall notify
10 the Department that a complaint has been filed by serving
11 a copy of the complaint on the chief legal counsel of the
12 Department within ~~with~~ 21 days from the date that the
13 complaint is filed with the Commission or in circuit
14 court. This 21-day period for service on the chief legal
15 counsel shall not be construed to be jurisdictional. If
16 the complainant files a complaint with the Commission, the
17 complainant may not later commence a civil action in
18 circuit court.

19 (3) If an aggrieved party files a complaint with the
20 Human Rights Commission or commences a civil action in
21 circuit court pursuant to paragraph (2) of this
22 subsection, or if the time period for filing a complaint
23 has expired, the Department shall immediately cease its
24 investigation and dismiss the charge of civil rights
25 violation. Any final order entered by the Commission under
26 this Section is appealable in accordance with paragraph

1 (B)(1) of Section 8-111. Failure to immediately cease an
2 investigation and dismiss the charge of civil rights
3 violation as provided in this paragraph (3) constitutes
4 grounds for entry of an order by the circuit court
5 permanently enjoining the investigation. The Department
6 may also be liable for any costs and other damages
7 incurred by the respondent as a result of the action of the
8 Department.

9 (4) (Blank).

10 (H) Public Act 89-370 applies to causes of action filed on
11 or after January 1, 1996.

12 (I) Public Act 89-520 applies to causes of action filed on
13 or after January 1, 1996.

14 (J) The changes made to this Section by Public Act 95-243
15 apply to charges filed on or after the effective date of those
16 changes.

17 (K) The changes made to this Section by Public Act 96-876
18 apply to charges filed on or after the effective date of those
19 changes.

20 (L) The changes made to this Section by Public Act
21 100-1066 apply to charges filed on or after August 24, 2018
22 (the effective date of Public Act 100-1066).

23 (M) The changes made to this Section by Public Act 104-425
24 ~~this amendatory Act of the 104th General Assembly~~ apply to
25 charges pending or filed on or after January 1, 2026 (the
26 effective date of Public Act 104-425) ~~this amendatory Act of~~

1 ~~the 104th General Assembly.~~

2 (Source: P.A. 103-335, eff. 1-1-24; 103-973, eff. 1-1-25;
3 104-425, eff. 1-1-26; revised 12-12-25.)

4 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

5 Sec. 7B-102. Procedures.

6 (A) Charge.

7 (1) Within one year after the date that a civil rights
8 violation allegedly has been committed or terminated, a
9 charge in writing under oath or affirmation may be filed
10 with the Department by an aggrieved party or issued by the
11 Department itself under the signature of the Director.

12 (2) The charge shall be in such detail as to
13 substantially apprise any party properly concerned as to
14 the time, place, and facts surrounding the alleged civil
15 rights violation.

16 (B) Notice and Response to Charge.

17 (1) The Department shall serve notice upon the
18 aggrieved party acknowledging such charge and advising the
19 aggrieved party of the time limits and choice of forums
20 provided under this Act. The Department shall, within 10
21 days of the date on which the charge was filed or the
22 identification of an additional respondent under paragraph
23 (2) of this subsection, serve on the respondent a copy of
24 the charge along with a notice identifying the alleged
25 civil rights violation and advising the respondent of the

1 procedural rights and obligations of respondents under
2 this Act and may require the respondent to file a response
3 to the allegations contained in the charge. Upon the
4 Department's request, the respondent shall file a response
5 to the charge within 30 days and shall serve a copy of its
6 response on the complainant or his or her representative.
7 Notwithstanding any request from the Department, the
8 respondent may elect to file a response to the charge
9 within 30 days of receipt of notice of the charge,
10 provided the respondent serves a copy of its response on
11 the complainant or his or her representative. All
12 allegations contained in the charge not denied by the
13 respondent within 30 days after the Department's request
14 for a response may be deemed admitted, unless the
15 respondent states that it is without sufficient
16 information to form a belief with respect to such
17 allegation. The Department may issue a notice of default
18 directed to any respondent who fails to file a response to
19 a charge within 30 days of the Department's request,
20 unless the respondent can demonstrate good cause as to why
21 such notice should not issue. The term "good cause" shall
22 be defined by rule promulgated by the Department. Within
23 10 days of the date he or she receives the respondent's
24 response, the complainant may file his or her reply to
25 said response. If he or she chooses to file a reply, the
26 complainant shall serve a copy of said reply on the

1 respondent or his or her representative. A party may
2 supplement his or her response or reply at any time that
3 the investigation of the charge is pending.

4 (2) A person who is not named as a respondent in a
5 charge, but who is identified as a respondent in the
6 course of investigation, may be joined as an additional or
7 substitute respondent upon written notice, under
8 subsection (B), to such person, from the Department. Such
9 notice, in addition to meeting the requirements of
10 subsections (A) and (B), shall explain the basis for the
11 Department's belief that a person to whom the notice is
12 addressed is properly joined as a respondent.

13 (C) Investigation.

14 (1) The Department shall conduct a full investigation
15 of the allegations set forth in the charge and complete
16 such investigation within 100 days after the filing of the
17 charge, unless it is impracticable to do so. The
18 Department's failure to complete the investigation within
19 100 days after the proper filing of the charge does not
20 deprive the Department of jurisdiction over the charge.

21 (2) If the Department is unable to complete the
22 investigation within 100 days after the charge is filed,
23 the Department shall notify the complainant and respondent
24 in writing of the reasons for not doing so. The failure of
25 the Department to notify the complainant or respondent in
26 writing of the reasons for not doing so shall not deprive

1 the Department of jurisdiction over the charge.

2 (3) The Director or his or her designated
3 representative shall have authority to ~~request any member~~
4 ~~of the Commission to~~ issue subpoenas to compel the
5 attendance of a witness or the production for examination
6 of any books, records or documents whatsoever as it deems
7 necessary for the Department's investigations.

8 (4) If any witness whose testimony is required for any
9 investigation resides outside the State, or through
10 illness or any other good cause as determined by the
11 Director is unable to be interviewed by the investigator
12 or appear at a fact finding conference, his or her
13 testimony or deposition may be taken, within or without
14 the State, in the same manner as provided for in the taking
15 of depositions in civil cases in circuit courts.

16 (5) Upon reasonable notice to the complainant and the
17 respondent, the Department may conduct a fact finding
18 conference. When requested by the Department, a party's
19 failure to attend the conference without good cause may
20 result in dismissal or default. A notice of dismissal or
21 default shall be issued by the Director and shall notify
22 the relevant party that a request for review may be filed
23 in writing with the Commission within 30 days of receipt
24 of notice of dismissal or default.

25 (D) Report.

26 (1) Each charge investigated under subsection (C)

1 shall be the subject of a report to the Director. The
2 report shall be a confidential document subject to review
3 by the Director, authorized Department employees, the
4 parties, and, where indicated by this Act, members of the
5 Commission or their designated hearing officers.

6 The report shall contain:

7 (a) the names and dates of contacts with
8 witnesses;

9 (b) a summary and the date of correspondence and
10 other contacts with the aggrieved party and the
11 respondent;

12 (c) a summary description of other pertinent
13 records;

14 (d) a summary of witness statements; and

15 (e) answers to questionnaires.

16 A final report under this paragraph may be amended if
17 additional evidence is later discovered.

18 (2) Upon review of the report and within 100 days of
19 the filing of the charge, unless it is impracticable to do
20 so, the Director shall determine whether there is
21 substantial evidence that the alleged civil rights
22 violation has been committed or is about to be committed.
23 If the Director is unable to make the determination within
24 100 days after the filing of the charge, the Director
25 shall notify the complainant and respondent in writing of
26 the reasons for not doing so. The Director's failure to

1 make the determination within 100 days after the proper
2 filing of the charge does not deprive the Department of
3 jurisdiction over the charge.

4 (a) If the Director determines that there is no
5 substantial evidence, the charge shall be dismissed
6 and the aggrieved party notified that he or she may
7 seek review of the dismissal order before the
8 Commission. The aggrieved party shall have 90 days
9 from receipt of notice to file a request for review by
10 the Commission. The Director shall make public
11 disclosure of each such dismissal.

12 (b) If the Director determines that there is
13 substantial evidence, he or she shall immediately
14 issue a complaint on behalf of the aggrieved party
15 pursuant to subsection (F).

16 (E) Conciliation.

17 (1) During the period beginning with the filing of a
18 charge and ending with the filing of a complaint or a
19 dismissal by the Department, the Department shall, to the
20 extent feasible, engage in conciliation with respect to
21 such charge.

22 When the Department determines that a formal
23 conciliation conference is feasible, the aggrieved party
24 and respondent shall be notified of the time and place of
25 the conference by registered or certified mail at least 7
26 days prior thereto and either or both parties shall appear

1 at the conference in person or by attorney.

2 (2) The place fixed for the conference shall be within
3 35 miles of the place where the civil rights violation is
4 alleged to have been committed.

5 (3) Nothing occurring at the conference shall be made
6 public or used as evidence in a subsequent proceeding for
7 the purpose of proving a violation under this Act unless
8 the complainant and respondent agree in writing that such
9 disclosure be made.

10 (4) A conciliation agreement arising out of such
11 conciliation shall be an agreement between the respondent
12 and the complainant, and shall be subject to approval by
13 the Department and Commission.

14 (5) A conciliation agreement may provide for binding
15 arbitration of the dispute arising from the charge. Any
16 such arbitration that results from a conciliation
17 agreement may award appropriate relief, including monetary
18 relief.

19 (6) Each conciliation agreement shall be made public
20 unless the complainant and respondent otherwise agree and
21 the Department determines that disclosure is not required
22 to further the purpose of this Act.

23 (F) Complaint.

24 (1) When there is a failure to settle or adjust any
25 charge through a conciliation conference and the charge is
26 not dismissed, the Department shall prepare a written

1 complaint, under oath or affirmation, stating the nature
2 of the civil rights violation and the relief sought on
3 behalf of the aggrieved party. Such complaint shall be
4 based on the final investigation report and need not be
5 limited to the facts or grounds alleged in the charge
6 filed under subsection (A).

7 (2) The complaint shall be filed with the Commission.

8 (3) The Department may not issue a complaint under
9 this Section regarding an alleged civil rights violation
10 after the beginning of the trial of a civil action
11 commenced by the aggrieved party under any State or
12 federal law, seeking relief with respect to that alleged
13 civil rights violation.

14 (G) Time Limit.

15 (1) When a charge of a civil rights violation has been
16 properly filed, the Department, within 100 days thereof,
17 unless it is impracticable to do so, shall either issue
18 and file a complaint in the manner and form set forth in
19 this Section or shall order that no complaint be issued.
20 Any such order shall be duly served upon both the
21 aggrieved party and the respondent. The Department's
22 failure to either issue and file a complaint or order that
23 no complaint be issued within 100 days after the proper
24 filing of the charge does not deprive the Department of
25 jurisdiction over the charge.

26 (2) The Director shall make available to the aggrieved

1 party and the respondent, at any time, upon request
2 following completion of the Department's investigation,
3 information derived from an investigation and any final
4 investigative report relating to that investigation.

5 (H) This amendatory Act of 1995 applies to causes of
6 action filed on or after January 1, 1996.

7 (I) The changes made to this Section by Public Act 95-243
8 apply to charges filed on or after the effective date of those
9 changes.

10 (J) The changes made to this Section by this amendatory
11 Act of the 96th General Assembly apply to charges filed on or
12 after the effective date of those changes.

13 (Source: P.A. 101-530, eff. 1-1-20; 102-362, eff. 1-1-22.)

14 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

15 Sec. 8-101. Illinois Human Rights Commission.

16 (A) Creation; appointments. The Human Rights Commission is
17 created and hereby redesignated as an independent commission
18 under the Department for administrative purposes. The
19 Commission shall ~~to~~ consist of 7 members appointed by the
20 Governor with the advice and consent of the Senate. No more
21 than 4 members shall be of the same political party. The
22 Governor shall designate one member as chairperson. All
23 appointments shall be in writing and filed with the Secretary
24 of State as a public record.

25 Notwithstanding any provision of this Section to the

1 contrary, beginning on January 15, 2029, and thereafter, the
2 Commission shall consist of 5 members appointed by the
3 Governor with the advice and consent of the Senate. No more
4 than 3 members shall be of the same political party.

5 (B) Terms. Of the members first appointed, 4 shall be
6 appointed for a term to expire on the third Monday of January
7 2021, and 3 (including the Chairperson) shall be appointed for
8 a term to expire on the third Monday of January 2023.

9 ~~Notwithstanding any provision of this Section to the~~
10 ~~contrary, the term of office of each member of the Illinois~~
11 ~~Human Rights Commission is abolished on January 19, 2019.~~
12 ~~Incumbent members holding a position on the Commission that~~
13 ~~was created by Public Act 84-115 and whose terms, if not for~~
14 ~~Public Act 100-1066, would have expired January 18, 2021 shall~~
15 ~~continue to exercise all of the powers and be subject to all of~~
16 ~~the duties of members of the Commission until June 30, 2019 or~~
17 ~~until their respective successors are appointed and qualified,~~
18 ~~whichever is earlier.~~

19 Thereafter, each member shall serve for a term of 4 years
20 and until the member's successor is appointed and qualified;
21 except that any member chosen to fill a vacancy occurring
22 otherwise than by expiration of a term shall be appointed only
23 for the unexpired term of the member whom the member shall
24 succeed and until the member's successor is appointed and
25 qualified.

26 Notwithstanding any provision of this Section to the

1 contrary, for the members whose terms expire in January 2027,
2 the terms of their respective successors shall expire
3 concurrently with the members whose terms expire on January
4 15, 2029. Notwithstanding any provision of this Section to the
5 contrary, of the 5 members appointed to terms beginning in
6 January 2029, 3 members shall be appointed to a term to expire
7 on the third Monday of January 2031, and 2 members, including
8 the chairperson, shall be appointed for a term to expire on the
9 third Monday of January 2033. Thereafter, each member shall
10 serve for a term of 4 years and until the member's successor is
11 appointed and qualified; except that any member chosen to fill
12 a vacancy occurring otherwise than by expiration of a term
13 shall be appointed only for the unexpired term of the member
14 whom the member shall succeed and until the member's successor
15 is appointed and qualified.

16 (C) Vacancies.

17 (1) In the case of vacancies on the Commission during
18 a recess of the Senate, the Governor shall make a
19 temporary appointment until the next meeting of the Senate
20 when the Governor shall appoint a person to fill the
21 vacancy. Any person so nominated and confirmed by the
22 Senate shall hold office for the remainder of the term and
23 until the person's successor is appointed and qualified.

24 (2) If the Senate is not in session at the time this
25 Act takes effect, the Governor shall make temporary
26 appointments to the Commission as in the case of

1 vacancies.

2 (3) Vacancies in the Commission shall not impair the
3 right of the remaining members to exercise all the powers
4 of the Commission. Except when authorized by this Act to
5 proceed through a 3 member panel, a majority of the
6 members of the Commission then in office shall constitute
7 a quorum.

8 (D) Compensation. On and after January 19, 2019, the
9 Chairperson of the Commission shall be compensated at the rate
10 of \$125,000 per year, or as set by the Compensation Review
11 Board, whichever is greater, during the Chairperson's service
12 as Chairperson, and each other member shall be compensated at
13 the rate of \$119,000 per year, or as set by the Compensation
14 Review Board, whichever is greater. In addition, all members
15 of the Commission shall be reimbursed for expenses actually
16 and necessarily incurred by them in the performance of their
17 duties.

18 (E) (Blank).

19 (F) A formal training program for newly appointed
20 commissioners shall be implemented. The training program shall
21 include the following:

22 (1) substantive and procedural aspects of the office
23 of commissioner;

24 (2) current issues in employment and housing
25 discrimination and public accommodation law and practice;

26 (3) orientation to each operational unit of the Human

1 Rights Commission;

2 (4) observation of experienced hearing officers and
3 commissioners conducting hearings of cases, combined with
4 the opportunity to discuss evidence presented and rulings
5 made;

6 (5) the use of hypothetical cases requiring the newly
7 appointed commissioner to issue judgments as a means of
8 evaluating knowledge and writing ability;

9 (6) writing skills; and

10 (7) professional and ethical standards.

11 A formal and ongoing professional development program
12 including, but not limited to, the above-noted areas shall be
13 implemented to keep commissioners informed of recent
14 developments and issues and to assist them in maintaining and
15 enhancing their professional competence. Each commissioner
16 shall complete 20 hours of training in the above-noted areas
17 during every 2 years the commissioner remains in office.

18 (G) Commissioners must meet one of the following
19 qualifications:

20 (1) licensed to practice law in the State of Illinois;

21 (2) at least 3 years of experience as a hearing
22 officer at the Human Rights Commission; or

23 (3) at least 4 years of professional experience
24 working for or dealing with individuals or corporations
25 affected by this Act or similar laws in other
26 jurisdictions, including, but not limited to, experience

1 with a civil rights advocacy group, a fair housing group,
2 a community organization, a trade association, a union, a
3 law firm, a legal aid organization, an employer's human
4 resources department, an employment discrimination
5 consulting firm, a community affairs organization, or a
6 municipal human relations agency.

7 The Governor's appointment message, filed with the
8 Secretary of State and transmitted to the Senate, shall state
9 specifically how the experience of a nominee for commissioner
10 meets the requirement set forth in this subsection. The
11 Chairperson must have public or private sector management and
12 budget experience, as determined by the Governor.

13 Each commissioner shall devote full time to the
14 commissioner's duties and any commissioner who is an attorney
15 shall not engage in the practice of law, nor shall any
16 commissioner hold any other office or position of profit under
17 the United States or this State or any municipal corporation
18 or political subdivision of this State, nor engage in any
19 other business, employment, or vocation.

20 (H) (Blank).

21 (I) Each commissioner may engage in outreach, public
22 education, training activities, and other assignments that
23 further the purposes of the Commission and are consistent with
24 the commissioner's official duties, including as recommended
25 by the Chairperson.

26 (Source: P.A. 102-1129, eff. 2-10-23; 103-326, eff. 1-1-24;

103-605, eff. 7-1-24; 103-859, eff. 1-1-25.)

(775 ILCS 5/8-105) (from Ch. 68, par. 8-105)

Sec. 8-105. Settlement.

(A) Approval.

(1) When a proposed settlement is submitted by the Department, the Commission, through a panel of 3 members, shall determine whether to approve its terms and conditions.

(2) A settlement of any complaint and its underlying charge or charges may be effectuated at any time upon agreement of the parties, with or without the Commission's approval, and shall act as a full and final resolution of the matter. If the parties desire that the Commission retain jurisdiction over the matter for purposes of enforcing the terms of the settlement, the terms shall be reduced to writing, signed by the parties, and submitted to the Commission for approval. Any settlement to which the Department is a party shall be subject to approval by the Commission. The Commission, through a panel of 3 members, shall determine whether to approve the settlement.

(3) The Commission's determination of whether to approve a settlement shall occur within 15 days after the settlement is filed with the Commission. Approval of the settlement shall be accomplished by an order, served on

1 the parties and the Department, in accord with the written
2 terms of the settlement.

3 (B) Violation. When the Department files notice of a
4 settlement order violation, the Commission, through a panel of
5 3 ~~three~~ members, may either order the Department to seek
6 enforcement of the settlement order pursuant to paragraph (C)
7 of Section 8-111 or remand for any type of hearing as it may
8 deem necessary pursuant to paragraph (D) of Section 8A-103.

9 (C) Dismissal for Refusal to Accept Settlement Offer. The
10 Commission shall dismiss a complaint and the underlying charge
11 or charges of the complaint if the Commission is satisfied
12 that:

13 1. the respondent has eliminated the effects of the
14 civil rights violation charged and taken steps to prevent
15 repetition of the violation; or

16 2. the respondent offers and the complainant declines
17 to accept the terms of settlement that the Commission
18 determines are sufficient to eliminate the effect of the
19 civil rights violation charged and to prevent repetition
20 of the violation.

21 In determining whether the respondent has eliminated the
22 effects of the civil rights violation charged, or has offered
23 terms of settlement sufficient to eliminate same, the
24 Commission shall consider the extent to which the respondent
25 has either fully provided, or reasonably offered by way of
26 terms of settlement, as the case may be, the relevant relief

1 available to the complainant under Section 8A-104 of this Act.

2 At any time after the service of a complaint pursuant to
3 Section 8A-102 of this Act, and prior to service of a decision
4 prepared pursuant to Section 8A-102(I), a respondent may move
5 for a recommended order dismissing a complaint and the
6 underlying charge or charges for complainant's refusal to
7 accept terms of settlement that are sufficient to eliminate
8 the effects of the civil rights violation charged in the
9 complaint and to eliminate repetition of the violation.
10 Respondent's motion and complainant's reply, if any, shall
11 comply with the requirements for summary decision set forth in
12 Section 8-106.1 of this Act.

13 (D) This amendatory Act of 1996 applies to causes of
14 action filed on or after January 1, 1996.

15 (Source: P.A. 101-661, eff. 4-2-21.)

16 (775 ILCS 5/9-103 new)

17 Sec. 9-103. Transfer of the Commission.

18 (a) The Commission retains all the rights, powers, duties,
19 and responsibilities vested in the Commission by law,
20 including the power to select hearing officers, except that
21 all finance, accounting, human resources, labor relations,
22 communications, purchasing, procurement, administrative
23 functions or other resources necessary to the operation of the
24 Commission shall be vested in and shall be exercised by the
25 Department in support of the Commission. The Commission and

1 the Department shall retain independent capacity to sue and be
2 sued.

3 (b) The personnel of the Commission responsible for the
4 administrative functions listed in subsection (a) are
5 transferred to the Department. The status and rights of
6 personnel of the Commission under the Personnel Code are not
7 affected by the transfer. The rights of the employees and the
8 State of Illinois and its agencies under the Personnel Code,
9 the Illinois Public Labor Relations Act, and applicable
10 collective bargaining agreements or under any pension,
11 retirement, or annuity plan are not affected by this
12 amendatory Act of the 104th General Assembly. The Commission
13 shall at all times operate with dedicated personnel and
14 employees qualified to execute the day-to-day powers, duties,
15 and responsibilities vested in the Commission by law.

16 (c) All books, records, papers, documents, property (real
17 and personal), contracts, causes of action, and pending
18 business pertaining to the rights, powers, duties, and
19 responsibilities transferred by this amendatory Act of the
20 104th General Assembly from the Commission to the Department,
21 including, but not limited to, material in electronic or
22 magnetic format and necessary computer hardware and software,
23 are transferred to the Department.

24 (d) Any rules that relate to the rights, powers, duties,
25 and responsibilities of the Commission and are in force on the
26 effective date of the changes made to this Section by this

1 Section shall continue in effect until amended or repealed.
2 This amendatory Act of the 104th General Assembly does not
3 affect the legality of any such rules.

4 (e) This amendatory Act of the 104th General Assembly does
5 not affect any act done, ratified, or canceled, any right
6 occurring or established, or any action or proceeding had or
7 commenced in an administrative, civil, or criminal cause by
8 the Commission before the effective date of this Section.
9 Those actions or proceedings shall be continued, in accordance
10 with this amendatory Act of the 104th General Assembly, by the
11 Commission.

12 (f) The appropriation for the Commission shall be separate
13 from the overall appropriation for the Department. To the
14 extent functions or personnel of the Commission are
15 transferred to the Department under this amendatory Act of the
16 104th General Assembly, all unexpended appropriations and
17 balances and other funds available for use relating to those
18 functions or personnel shall be transferred for use by the
19 Department. Unexpended balances so transferred shall be
20 expended only for the purpose for which the appropriations
21 were originally made.

22 (775 ILCS 5/8-112 rep.)

23 Section 15-10. The Illinois Human Rights Act is amended by
24 repealing Section 8-112.

1 Article 20.

2 Section 20-5. The Illinois Human Rights Act is amended by
3 changing Section 2-106 as follows:

4 (775 ILCS 5/2-106)

5 Sec. 2-106. Accessibility Committee for Employees with
6 Disabilities, formerly the Interagency Committee on Employees
7 with Disabilities.

8 (A) As used in this Section:

9 "State agency" means all officers, boards, commissions,
10 and agencies created by the Constitution in the executive
11 branch; all officers, departments, boards, commissions,
12 agencies, institutions, authorities, universities, bodies
13 politic and corporate of the State; and administrative units
14 or corporate outgrowths of the State government which are
15 created by or pursuant to statute, other than units of local
16 government and their officers, school districts, and boards of
17 election commissioners; all administrative units and corporate
18 outgrowths of the above and as may be created by executive
19 order of the Governor.

20 "State employee" means an employee of a State agency.

21 (B) The Accessibility Committee for Employees with
22 Disabilities, formerly named the Interagency Committee on
23 Employees with Disabilities, created under repealed Section
24 19a of the Personnel Code, is continued as set forth in this

1 Section. The Committee is composed of 18 members as follows:
2 the Chairperson of the Civil Service Commission or his or her
3 designee, the Director of Veterans' Affairs or his or her
4 designee, the Director of Central Management Services or his
5 or her designee, the Secretary of Human Services or his or her
6 designee, the Director of Human Rights or his or her designee,
7 the Director of the Illinois Council on Developmental
8 Disabilities or his or her designee, the Lieutenant Governor
9 or his or her designee, the Attorney General or his or her
10 designee, the Secretary of State or his or her designee, the
11 State Comptroller or his or her designee, the State Treasurer
12 or his or her designee, and 7 State employees with
13 disabilities appointed by and serving at the pleasure of the
14 Governor.

15 (C) The Director of Human Rights and the Secretary of
16 Human Services shall serve as co-chairpersons of the
17 Committee. The Committee shall meet as often as it deems
18 necessary, but in no case less than 6 times annually at the
19 call of the co-chairpersons. Notice shall be given to the
20 members in writing in advance of a scheduled meeting.

21 (D) The Department of Human Rights shall provide
22 administrative support to the Committee.

23 (E) The purposes and functions of the Committee are: (1)
24 to provide a forum where problems of general concern to State
25 employees with disabilities can be raised and methods of their
26 resolution can be suggested to the appropriate State agencies;

1 (2) to provide a clearinghouse of information for State
2 employees with disabilities by working with those agencies to
3 develop and retain such information; (3) to promote
4 affirmative action efforts pertaining to the employment of
5 persons with disabilities by State agencies; and (4) to
6 recommend, where appropriate, means of strengthening the
7 affirmative action programs for employees with disabilities in
8 State agencies.

9 (F) The Committee shall annually make a complete report to
10 the General Assembly on the Committee's achievements and
11 accomplishments. Such report may also include an evaluation by
12 the Committee of the effectiveness of the hiring and
13 advancement practices in State government.

14 (G) This amendatory Act of the 99th General Assembly is
15 not intended to disqualify any current member of the Committee
16 from continued membership on the Committee in accordance with
17 the terms of this Section or the member's appointment.

18 (H) This amendatory Act of the 104th General Assembly is
19 not intended to change the operation, purpose, or function of
20 the Committee and is not intended to disqualify any current
21 member of the Committee from continued membership on the
22 Committee in accordance with the terms of this Section or the
23 member's appointment.

24 (Source: P.A. 99-314, eff. 8-7-15.)

1 Section 25-5. The Illinois Independent Tax Tribunal Act of
2 2012 is amended by changing Section 1-25 as follows:

3 (35 ILCS 1010/1-25)

4 Sec. 1-25. Judges; number; term of office; removal.

5 (a) The Governor shall, with the advice and consent of the
6 Senate, appoint a Chief Administrative Law Judge to be the
7 executive of the Tax Tribunal. The Chief Administrative Law
8 Judge shall serve a 5-year term. The Governor may appoint
9 additional administrative law judges, with the advice and
10 consent of the Senate, as necessary to carry out the
11 provisions of this Act, provided that no more than 4
12 administrative law judges, including the Chief Administrative
13 Law Judge, shall serve at the same time. The administrative
14 law judges, other than the Chief Administrative Law Judge,
15 shall initially be appointed to staggered terms of no greater
16 than 4 years. After the initial terms of office, all
17 administrative law judges, other than the Chief Administrative
18 Law Judge, shall be appointed for terms of 4 years. Each
19 administrative law judge is eligible for reappointment.

20 (b) Once appointed and confirmed, each administrative law
21 judge shall continue in office until his or her term expires
22 and until a successor has been appointed and confirmed,
23 subject to the provisions of Section 3A-40 of the Illinois
24 Governmental Ethics Act.

1 (c) The office of an administrative law judge under this
2 Section shall be vacant upon the administrative law judge's
3 death, resignation, retirement, or removal, or upon the
4 conclusion of his or her term without reappointment. Within 30
5 days after such a vacancy occurs, a successor administrative
6 law judge shall be appointed by the Governor, with the advice
7 and consent of the Senate, for the remainder of the current
8 unexpired term for that vacancy. In case of vacancies during
9 the recess of the Senate, the Governor shall make a temporary
10 appointment until the next meeting of the Senate, when the
11 Governor shall nominate some person to fill the office, and
12 any person so nominated who is confirmed by the Senate shall
13 hold office during the remainder of the term and until his or
14 her successor is appointed and qualified. No person rejected
15 by the Senate for the office of an administrative law judge
16 under this Section shall, except at the Senate's request, be
17 nominated again for that office at the same session or be
18 appointed to that office during a recess of that Senate.

19 (d) The Governor may remove an administrative law judge of
20 the Tax Tribunal, after notice and an opportunity to be heard,
21 for incompetency, neglect of duty, inability to perform
22 duties, malfeasance in office, or other good cause.

23 (e) Each administrative law judge of the Tax Tribunal,
24 including the Chief Administrative Law Judge, shall receive an
25 annual salary equal to that of the Director of the Department
26 of Revenue. The Chief Administrative Law Judge shall receive

1 an additional \$15,000 annual stipend. Beginning with the term
2 of the successor Chief Administrative Law Judge in 2029, the
3 Chief Administrative Law Judge shall no longer receive an
4 additional \$15,000 annual stipend.

5 (f) The Chief Administrative Law Judge shall have sole
6 charge of the administration of the Tax Tribunal and shall
7 apportion among the judges all causes, matters, and
8 proceedings coming before the Tax Tribunal. Each
9 administrative law judge shall exercise the power of the Tax
10 Tribunal.

11 (g) An administrative law judge may disqualify himself or
12 herself on his or her own motion in any matter, and may be
13 disqualified for any of the causes specified in the Illinois
14 Code of Judicial Conduct.

15 (Source: P.A. 97-1129, eff. 8-28-12.)

16 Article 40.

17 Section 40-5. The Illinois Holocaust and Genocide
18 Commission Act is amended by changing Section 30 as follows:

19 (20 ILCS 5010/30)

20 (Section scheduled to be repealed on January 1, 2032)

21 Sec. 30. Term of public member.

22 (a) A public member of the Commission serves a term of 4
23 years, except that the terms of the initial members shall

1 expire on February 1, 2015. Following the expiration of the
2 terms of the initial members of the Commission, the Governor
3 may re-appoint initial members as follows:

4 (1) five members to terms that expire February 1,
5 2016;

6 (2) five members to terms that expire February 1,
7 2017; and

8 (3) five members to terms that expire February 1,
9 2018.

10 Notwithstanding subsection (c) of this Section, initial
11 members re-appointed to terms that expire on February 1, 2016
12 or February 1, 2017 may be appointed to a 4-year term following
13 expiration of their re-appointment.

14 (a-5) Public members of the Commission added under this
15 amendatory Act of the 98th General Assembly shall serve 4-year
16 terms.

17 (b) A public member is eligible for reappointment ~~to~~
18 ~~another term or part of a term.~~

19 (c) (Blank). ~~A public member may not serve more than 2~~
20 ~~consecutive full terms. For purposes of this prohibition, a~~
21 ~~member is considered to have served a full term only if the~~
22 ~~member has served more than half of a 4-year term.~~

23 (Source: P.A. 98-793, eff. 7-28-14.)

24 Article 99.

1 Section 99-95. No acceleration or delay. Where this Act
2 makes changes in a statute that is represented in this Act by
3 text that is not yet or no longer in effect (for example, a
4 Section represented by multiple versions), the use of that
5 text does not accelerate or delay the taking effect of (i) the
6 changes made by this Act or (ii) provisions derived from any
7 other Public Act.

8 Section 99-97. Severability. The provisions of this Act
9 are severable under Section 1.31 of the Statute on Statutes.

10 Section 99-99. Effective date. This Act takes effect upon
11 becoming law, except that Articles 15 and 20 take effect July
12 1, 2026 and Article 10 takes effect July 1, 2027.