



Sen. Julie A. Morrison

Filed: 5/29/2026

10400HB0862sam001

LRB104 04759 JDS 38476 a

1 AMENDMENT TO HOUSE BILL 862

2 AMENDMENT NO. _____. Amend House Bill 862 by replacing
3 everything after the enacting clause with the following:

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.

1 (2) Personal statements may include contact
2 information for the candidate, including the address and
3 phone number of the campaign headquarters, and the
4 candidate's website.

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

7 (4) No personal statement may include language that
8 may not be legally sent through the mail.

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

12 (6) The photograph shall not (i) show the candidate's
13 hands, anything in the candidate's hands, or the candidate
14 wearing a judicial robe, a hat, or a military, police, or
15 fraternal uniform or (ii) include the uniform or insignia
16 of any organization.

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

20 (c) Where a candidate declines to submit a statement, the
21 Board may note that the candidate declined to submit a
22 statement.

23 (d) (Blank). ~~(Blank.)~~

24 (e) Anyone other than the candidate submitting a statement
25 or photograph from a candidate must attest that he or she is
26 doing so on behalf and at the direction of the candidate. The

1 Board may assess a civil fine of no more than \$1,000 against a
2 person or entity who falsely submits a statement or photograph
3 not authorized by the candidate.

4 (f) Nothing in this Article makes the author of any
5 statement exempt from any civil or criminal action because of
6 any defamatory statements offered for posting or contained in
7 the Internet Guide. The persons writing, signing, or offering
8 a statement for inclusion in the Internet Guide are deemed to
9 be its authors and publishers, and the Board shall not be
10 liable in any case or action relating to the content of any
11 material submitted by any candidate.

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

14 (h) The Board may set formats for the submission of
15 statements and photographs. The Board may require that
16 statements and photographs are submitted in an electronic
17 format.

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

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

25 Section 5-10. The Accessible Electronic Information Act is

1 amended by changing Sections 15 and 20 as follows:

2 (15 ILCS 323/15)

3 Sec. 15. Accessible electronic information service
4 program. The Director by rule shall develop and implement a
5 program of grants to qualified entities for the provision of
6 accessible electronic information service to blind persons and
7 persons with disabilities throughout Illinois. ~~The grants~~
8 ~~shall be funded through appropriations from the Accessible~~
9 ~~Electronic Information Service Fund established in Section 20.~~

10 (Source: P.A. 99-143, eff. 7-27-15.)

11 (15 ILCS 323/20)

12 Sec. 20. Accessible Electronic Information Service Fund.

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

18 (b) Each month, the State Treasurer shall transfer 1/12th
19 of the amount determined under subsection (a) from the Digital
20 Divide Elimination Infrastructure Fund into the Accessible
21 Electronic Information Service Fund, a special fund created in
22 the State treasury that may be appropriated only for the
23 purposes of this Act. If moneys in the Digital Divide
24 Elimination Infrastructure Fund are insufficient to meet the

1 transfer requirements of this subsection, the Illinois
2 Commerce Commission shall direct the Illinois
3 Telecommunications Access Corporation, or its successor, to
4 remit the amount of any insufficiency to the Director for
5 deposit into the Accessible Electronic Information Service
6 Fund from surcharges collected by the Corporation, or its
7 successor, under Section 13-703 of the Public Utilities Act.

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

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

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

20 (20 ILCS 210/10.5 new)

21 Sec. 10.5. Transfer of moneys into the Illinois State Fair
22 Fund. Notwithstanding any other provision of law, on July 1,
23 2026 or as soon thereafter as practical, the State Comptroller
24 shall direct and the State Treasurer shall transfer the

1 remaining balance from the State Fair Promotional Activities
2 Fund and the Watershed Park Fund into the Illinois State Fair
3 Fund. Upon completion of the transfers, the State Fair
4 Promotional Activities Fund and the Watershed Park Fund are
5 dissolved, and any future deposits due to those funds and any
6 outstanding obligations or liabilities of those funds shall
7 pass to the Illinois State Fair Fund. This Section is repealed
8 on January 1, 2027.

9 (20 ILCS 605/605-1085 rep.)

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

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

16 (20 ILCS 805/805-420) (was 20 ILCS 805/63a36)

17 Sec. 805-420. Appropriations from Park and Conservation
18 Fund. The Department has the power to expend moneys ~~monies~~
19 appropriated to the Department from the Park and Conservation
20 Fund in the State treasury for conservation and park purposes.

21 All ~~Eighty percent of the~~ revenue derived from fees paid
22 for certificates of title, duplicate certificates of title and
23 corrected certificates of title and deposited into ~~in~~ the Park

1 and Conservation Fund, as provided for in Section 2-119 of the
2 Illinois Vehicle Code, shall be expended solely by the
3 Department pursuant to an appropriation for acquisition,
4 development, and maintenance of bike paths, including grants
5 for the acquisition and development of bike paths. ~~All and 20%~~
6 ~~of the~~ revenue derived from fees paid for certificates of
7 title, duplicate certificates of title and corrected
8 certificates of title and ~~shall be~~ deposited into the Illinois
9 Fisheries Management Fund, a special fund created in the State
10 treasury, as provided for in Section 2-119 of the Illinois
11 Vehicle Code, shall ~~Treasury to~~ be used for the operation of
12 the Division of Fisheries within the Department.

13 Revenue derived from fees paid for the registration of
14 motor vehicles of the first division and deposited into ~~in~~ the
15 Park and Conservation Fund, as provided for in Section 3-806
16 of the Illinois Vehicle Code, shall be expended by the
17 Department for the following purposes:

18 (A) Fifty percent of funds derived from the vehicle
19 registration fee shall be used by the Department for
20 normal operations.

21 (B) Fifty percent of funds derived from the vehicle
22 registration fee shall be used by the Department for
23 construction and maintenance of State owned, leased, and
24 managed sites.

25 The moneys ~~monies~~ deposited into the Park and Conservation
26 Fund and the Illinois Fisheries Management Fund under this

1 Section shall not be subject to administrative charges or
2 chargebacks unless otherwise authorized by this Act.

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

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

6 (20 ILCS 1305/10-50)

7 Sec. 10-50. Illinois Steps for Attaining Higher Education
8 through Academic Development Program established. The Illinois
9 Steps for Attaining Higher Education through Academic
10 Development ("Illinois Steps AHEAD") program is established in
11 the Illinois Department of Human Services. Illinois Steps
12 AHEAD shall provide educational services and post-secondary
13 educational scholarships for low-income middle and high school
14 students. Program components shall include increased parent
15 involvement, creative and engaging academic support for
16 students, career exploration programs, college preparation,
17 and increased collaboration with local schools. The Illinois
18 Department of Human Services shall administer the program. The
19 Department shall implement the program only if federal funding
20 is made available for that purpose. All moneys received
21 pursuant to the federal Gaining Early Awareness and Readiness
22 for Undergraduate Programs shall be deposited into the Gaining
23 Early Awareness and Readiness for Undergraduate Programs Fund,
24 a special fund hereby created in the State treasury. Moneys in

1 this fund shall be appropriated to the Department of Human
2 Services and expended for the purposes and activities
3 specified by the federal agency making the grant. All interest
4 earnings on amounts in the Gaining Early Awareness and
5 Readiness for Undergraduate Programs Fund shall accrue to the
6 Gaining Early Awareness and Readiness for Undergraduate
7 Programs Fund and be used in accordance with 34 CFR ~~C.F.R.~~
8 75.703. Notwithstanding any other provision of law, on July 1,
9 2026 or as soon thereafter as practical, the State Comptroller
10 shall direct and the State Treasurer shall transfer the
11 remaining balance from the Gaining Early Awareness and
12 Readiness for Undergraduate Programs Fund into the General
13 Revenue Fund. Upon completion of the transfers, the Gaining
14 Early Awareness and Readiness for Undergraduate Programs Fund
15 is dissolved, and any future deposits due to that Fund and any
16 outstanding obligations or liabilities of that Fund shall pass
17 to the General Revenue Fund. This Section is repealed on
18 January 1, 2027.

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

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

22 (20 ILCS 1310/3.5 new)

23 Sec. 3.5. Domestic Violence Shelter and Service Fund.
24 There is created in the State treasury a special fund known as

1 the Domestic Violence Shelter and Service Fund. The State
2 Treasurer shall deposit into the Domestic Violence Shelter and
3 Service Fund each assessment received under the Criminal and
4 Traffic Assessment Act. Moneys deposited into the Fund shall
5 be appropriated to the Department of Human Services for the
6 purpose of providing services specified by this Act.

7 (20 ILCS 1310/3.2 rep.)

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

10 Section 5-45. The Department of Human Services (Mental
11 Health and Developmental Disabilities) Law of the Civil
12 Administrative Code of Illinois is amended by changing Section
13 1710-100 as follows:

14 (20 ILCS 1710/1710-100) (was 20 ILCS 1710/53d)

15 Sec. 1710-100. Grants to Special Olympics Illinois. The
16 Department shall make grants to Special Olympics Illinois for
17 area and statewide athletic competitions from appropriations
18 to the Department from the Special Olympics Illinois Fund, a
19 special fund created in the State treasury. Notwithstanding
20 any other provision of law, on July 1, 2027 or as soon
21 thereafter as practical, the State Comptroller shall direct
22 and the State Treasurer shall transfer the remaining balance
23 from the Special Olympics Illinois Fund into the Special

1 Olympics Illinois and Special Children's Charities Fund. Upon
2 completion of the transfers, the Special Olympics Illinois
3 Fund is dissolved, and any future deposits due to that Fund and
4 any outstanding obligations or liabilities of that Fund shall
5 pass to the Special Olympics Illinois and Special Children's
6 Charities Fund. This Section is repealed on January 1, 2028.
7 (Source: P.A. 95-523, eff. 6-1-08; 95-876, eff. 8-21-08.)

8 Section 5-50. The Department of Professional Regulation
9 Law of the Civil Administrative Code of Illinois is amended by
10 changing Section 2105-15 and by adding Section 2105-15.2 as
11 follows:

12 (20 ILCS 2105/2105-15)

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

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

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

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

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

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

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

1 Department with regard to those licenses, certificates, or
2 authorities.

3 The Department shall issue a monthly disciplinary
4 report.

5 The Department shall refuse to issue or renew a
6 license to, or shall suspend or revoke a license of, any
7 person who, after receiving notice, fails to comply with a
8 subpoena or warrant relating to a paternity or child
9 support proceeding. However, the Department may issue a
10 license or renewal upon compliance with the subpoena or
11 warrant.

12 The Department, without further process or hearings,
13 shall revoke, suspend, or deny any license or renewal
14 authorized by the Civil Administrative Code of Illinois to
15 a person who is certified by the Department of Healthcare
16 and Family Services (formerly Illinois Department of
17 Public Aid) as being more than 30 days delinquent in
18 complying with a child support order or who is certified
19 by a court as being in violation of the Non-Support
20 Punishment Act for more than 60 days. The Department may,
21 however, issue a license or renewal if the person has
22 established a satisfactory repayment record as determined
23 by the Department of Healthcare and Family Services
24 (formerly Illinois Department of Public Aid) or if the
25 person is determined by the court to be in compliance with
26 the Non-Support Punishment Act. The Department may

1 implement this paragraph as added by Public Act 89-6
2 through the use of emergency rules in accordance with
3 Section 5-45 of the Illinois Administrative Procedure Act.
4 For purposes of the Illinois Administrative Procedure Act,
5 the adoption of rules to implement this paragraph shall be
6 considered an emergency and necessary for the public
7 interest, safety, and welfare.

8 (6) To transfer jurisdiction of any realty under the
9 control of the Department to any other department of the
10 State Government or to acquire or accept federal lands
11 when the transfer, acquisition, or acceptance is
12 advantageous to the State and is approved in writing by
13 the Governor.

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

16 (8) To exchange with the Department of Healthcare and
17 Family Services information that may be necessary for the
18 enforcement of child support orders entered pursuant to
19 the Illinois Public Aid Code, the Illinois Marriage and
20 Dissolution of Marriage Act, the Non-Support of Spouse and
21 Children Act, the Non-Support Punishment Act, the Revised
22 Uniform Reciprocal Enforcement of Support Act, the Uniform
23 Interstate Family Support Act, the Illinois Parentage Act
24 of 1984, or the Illinois Parentage Act of 2015.
25 Notwithstanding any provisions in this Code to the
26 contrary, the Department of Financial and Professional

1 Regulation shall not be liable under any federal or State
2 law to any person for any disclosure of information to the
3 Department of Healthcare and Family Services (formerly
4 Illinois Department of Public Aid) under this paragraph
5 (8) or for any other action taken in good faith to comply
6 with the requirements of this paragraph (8).

7 (8.3) To exchange information with the Department of
8 Human Rights regarding recommendations received under
9 paragraph (B) of Section 8-109 of the Illinois Human
10 Rights Act regarding a licensee or candidate for licensure
11 who has committed a civil rights violation that may lead
12 to the refusal, suspension, or revocation of a license
13 from the Department.

14 (8.5) To accept continuing education credit for
15 mandated reporter training on how to recognize and report
16 child abuse offered by the Department of Children and
17 Family Services and completed by any person who holds a
18 professional license issued by the Department and who is a
19 mandated reporter under the Abused and Neglected Child
20 Reporting Act. The Department shall adopt any rules
21 necessary to implement this paragraph.

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

23 (a-5) Except in cases involving delinquency in complying
24 with a child support order or violation of the Non-Support
25 Punishment Act and notwithstanding anything that may appear in
26 any individual licensing Act or administrative rule, no person

1 or entity whose license, certificate, or authority has been
2 revoked as authorized in any licensing Act administered by the
3 Department may apply for restoration of that license,
4 certification, or authority until 3 years after the effective
5 date of the revocation.

6 (b) (Blank).

7 (c) For the purpose of securing and preparing evidence,
8 and for the purchase of controlled substances, professional
9 services, and equipment necessary for enforcement activities,
10 recoupment of investigative costs, and other activities
11 directed at suppressing the misuse and abuse of controlled
12 substances, including those activities set forth in Sections
13 504 and 508 of the Illinois Controlled Substances Act, the
14 Director and agents appointed and authorized by the Director
15 may expend sums from the General Professions Dedicated
16 ~~Professional Regulation Evidence~~ Fund that the Director deems
17 necessary ~~from the amounts appropriated~~ for that purpose.
18 Those sums may be advanced to the agent when the Director deems
19 that procedure to be in the public interest. Sums for the
20 purchase of controlled substances, professional services, and
21 equipment necessary for enforcement activities and other
22 activities as set forth in this Section shall be advanced to
23 the agent who is to make the purchase from the General
24 Professions Dedicated ~~Professional Regulation Evidence~~ Fund on
25 vouchers signed by the Director. The Director and those agents
26 are authorized to maintain one or more commercial checking

1 accounts with any State banking corporation or corporations
2 organized under or subject to the Illinois Banking Act for the
3 deposit and withdrawal of moneys to be used for the purposes
4 set forth in this Section; provided, that no check may be
5 written nor any withdrawal made from any such account except
6 upon the written signatures of 2 persons designated by the
7 Director to write those checks and make those withdrawals.
8 Vouchers for those expenditures must be signed by the
9 Director. All such expenditures shall be audited by the
10 Director, and the audit shall be submitted to the Department
11 of Central Management Services for approval.

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

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

24 (f) (Blank).

25 (f-5) Notwithstanding anything that may appear in any
26 individual licensing statute or administrative rule, the

1 Department shall allow an applicant to provide his or her
2 individual taxpayer identification number as an alternative to
3 providing a social security number when applying for a
4 license.

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

19 In addition, a complaint filed with the Department by the
20 Illinois Department of Revenue that includes a certification,
21 signed by its Director or designee, attesting to the amount of
22 the unpaid tax liability or the years for which a return was
23 not filed, or both, is prima facie evidence of the licensee's
24 failure to comply with the tax laws administered by the
25 Illinois Department of Revenue. Upon receipt of that
26 certification, the Department shall, without a hearing,

1 immediately suspend all licenses held by the licensee.
2 Enforcement of the Department's order shall be stayed for 60
3 days. The Department shall provide notice of the suspension to
4 the licensee by mailing a copy of the Department's order to the
5 licensee's address of record or emailing a copy of the order to
6 the licensee's email address of record. The notice shall
7 advise the licensee that the suspension shall be effective 60
8 days after the issuance of the Department's order unless the
9 Department receives, from the licensee, a request for a
10 hearing before the Department to dispute the matters contained
11 in the order.

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

17 The Department may promulgate rules for the administration
18 of this subsection (g).

19 (g-5) Notwithstanding anything that may appear in any
20 individual licensing statute or administrative rule, the
21 Department shall refuse the issuance or renewal of a license
22 to, or suspend or revoke the license of, any individual,
23 corporation, partnership, or other business entity that has
24 been found by the Illinois Workers' Compensation Commission or
25 the Department of Insurance to have failed to (i) secure
26 workers' compensation obligations in the manner required by

1 subsections (a) and (b) of Section 4 of the Workers'
2 Compensation Act, (ii) pay in full a fine or penalty imposed
3 due to a failure to secure workers' compensation obligations
4 in the manner required by subsections (a) and (b) of Section 4
5 of the Workers' Compensation Act, or (iii) fulfill all
6 obligations assumed pursuant to a settlement reached with the
7 Illinois Workers' Compensation Commission or the Department of
8 Insurance relating to a failure to secure workers'
9 compensation obligations in the manner required by subsections
10 (a) and (b) of Section 4 of the Workers' Compensation Act. No
11 initial or renewal license shall be issued, and no suspended
12 license shall be reinstated, until such time that the
13 Department is notified by the Illinois Workers' Compensation
14 Commission or the Department of Insurance that the licensee's
15 or applicant's failure to comply with subsections (a) and (b)
16 of Section 4 of the Workers' Compensation Act has been
17 corrected or otherwise resolved to satisfaction of the
18 Illinois Workers' Compensation Commission or the Department of
19 Insurance.

20 In addition, a complaint filed with the Department by the
21 Illinois Workers' Compensation Commission or the Department of
22 Insurance that includes a certification, signed by its
23 Director or Chairman, or the Director or Chairman's designee,
24 attesting to a finding of the failure to secure workers'
25 compensation obligations in the manner required by subsections
26 (a) and (b) of Section 4 of the Workers' Compensation Act or

1 the failure to pay any fines or penalties or to discharge any
2 obligation under a settlement relating to the failure to
3 secure workers' compensation obligations in the manner
4 required by subsections (a) and (b) of Section 4 of the
5 Workers' Compensation Act is prima facie evidence of the
6 licensee's or applicant's failure to comply with subsections
7 (a) and (b) of Section 4 of the Workers' Compensation Act. Upon
8 receipt of that certification, the Department shall, without a
9 hearing, immediately suspend all licenses held by the licensee
10 or the processing of any application from the applicant.
11 Enforcement of the Department's order shall be stayed for 60
12 days. The Department shall provide notice of the suspension to
13 the licensee by mailing a copy of the Department's order to the
14 licensee's address of record or emailing a copy of the order to
15 the licensee's email address of record. The notice shall
16 advise the licensee that the suspension shall be effective 60
17 days after the issuance of the Department's order unless the
18 Department receives from the licensee or applicant a request
19 for a hearing before the Department to dispute the matters
20 contained in the order.

21 Any suspension imposed under this subsection shall be
22 terminated by the Department upon notification from the
23 Illinois Workers' Compensation Commission or the Department of
24 Insurance that the licensee's or applicant's failure to comply
25 with subsections (a) and (b) of Section 4 of the Workers'
26 Compensation Act has been corrected or otherwise resolved to

1 the satisfaction of the Illinois Workers' Compensation
2 Commission or the Department of Insurance.

3 No license shall be suspended or revoked until after the
4 licensee is afforded any due process protection guaranteed by
5 statute or rule adopted by the Illinois Workers' Compensation
6 Commission or the Department of Insurance.

7 The Department may adopt rules for the administration of
8 this subsection.

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

20 (i) The Department shall make available on its website
21 general information explaining how the Department utilizes
22 criminal history information in making licensure application
23 decisions, including a list of enumerated offenses that serve
24 as a statutory bar to licensure.

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

1 (20 ILCS 2105/2105-15.2 new)

2 Sec. 2105-15.2. Professional Regulation Evidence Fund;
3 dissolution. On July 1, 2026 or as soon thereafter as
4 practical, the State Comptroller shall direct and the State
5 Treasurer shall transfer the remaining balance from the
6 Professional Regulation Evidence Fund into the General
7 Professions Dedicated Fund. Upon completion of the transfer,
8 the Professional Regulation Evidence Fund is dissolved, and
9 any future deposits due to that Fund and any outstanding
10 obligations or liabilities of that Fund shall pass to the
11 General Professions Dedicated Fund. This Section is repealed
12 on January 1, 2027.

13 Section 5-60. The State Finance Act is amended by changing
14 Sections 5.02, 5.212, 5.229, 5.361, 5.488, 5.546, 5.629,
15 5.632, 5.674, 5.739, 5.757, 5.913, 6m, 6z-39, 6z-131, 8.14-1,
16 and 8.30 as follows:

17 (30 ILCS 105/5.02) (from Ch. 127, par. 141.02)

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

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

21 (30 ILCS 105/5.212) (from Ch. 127, par. 141.212)

22 Sec. 5.212. The Professional Regulation Evidence Fund.

1 This Section is repealed on January 1, 2027.

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

3 (30 ILCS 105/5.229) (from Ch. 127, par. 141.229)

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

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

7 (30 ILCS 105/5.361)

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

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

12 (30 ILCS 105/5.488)

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

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

16 (30 ILCS 105/5.546)

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

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

20 (30 ILCS 105/5.629)

21 Sec. 5.629. The Accessible Electronic Information Service

1 Fund. This Section is repealed on January 1, 2027.

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

3 (30 ILCS 105/5.632)

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

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

7 (30 ILCS 105/5.674)

8 Sec. 5.674. The Gaining Early Awareness and Readiness for
9 Undergraduate Programs Fund. This Section is repealed on
10 January 1, 2027.

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

12 (30 ILCS 105/5.739)

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

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

16 (30 ILCS 105/5.757)

17 Sec. 5.757. The Employment of Illinois Workers on Public
18 Works Projects Fund. This Section is repealed on January 1,
19 2027.

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

21 (30 ILCS 105/5.913)

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

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

4 (30 ILCS 105/6m) (from Ch. 127, par. 142m)

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

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

1 (30 ILCS 105/6z-39)

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

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

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

22 (30 ILCS 105/6z-131)

23 Sec. 6z-131. Agriculture Federal Projects Fund. The
24 Agriculture Federal Projects Fund is established as a federal
25 trust fund in the State treasury. This Fund is established to

1 receive funds from all federal departments and agencies,
2 including grants and awards. In addition, the Fund may also
3 receive interagency receipts from other State agencies and
4 funds from other public and private sources. Moneys in the
5 Agriculture Federal Projects Fund shall be held by the State
6 Treasurer as ex officio custodian and shall be used for the
7 specific purposes established by the terms and conditions of
8 the federal grant or award and for other authorized expenses
9 in accordance with federal requirements. Other moneys
10 deposited into the Fund may be used for purposes associated
11 with the federally financed projects. Notwithstanding any
12 other provision of law, on July 1, 2026 or as soon thereafter
13 as practical, the State Comptroller shall direct and the State
14 Treasurer shall transfer the remaining balance from the
15 Federal Agricultural Marketing Services Fund into the
16 Agriculture Federal Projects Fund. Upon completion of the
17 transfer, the Federal Agricultural Marketing Services Fund is
18 dissolved, and any future deposits due to that Fund and any
19 outstanding obligations or liabilities of that Fund shall pass
20 to the Agriculture Federal Projects Fund.

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

22 (30 ILCS 105/8.14-1) (from Ch. 127, par. 144.14-1)

23 Sec. 8.14-1. Appropriations for equipment, personnel,
24 operational expenses and such other expenses incident to
25 providing air transportation for officers, departments or

1 agencies of the State government may be payable from the Air
2 Transportation Revolving Fund or, beginning in State fiscal
3 year 2028, the Aeronautics Fund.

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

5 (30 ILCS 105/8.30) (from Ch. 127, par. 144.30)

6 Sec. 8.30. All moneys received from the issuance of
7 Lifetime Hunting, Fishing or Sportsmen's Combination Licenses
8 under Section 20-45 of the Fish and Aquatic Life Code shall be
9 deposited into the Fish and Wildlife Endowment Fund. All
10 interest earned and accrued from moneys ~~monies~~ deposited into
11 ~~in~~ the Fish and Wildlife Endowment Fund shall be deposited
12 monthly by the State Treasurer in the Fish and Wildlife
13 Endowment Fund. The Treasurer upon request of the Director of
14 the Department of Natural Resources from time to time may
15 transfer amounts from the Fish and Wildlife Endowment Fund to
16 the Wildlife and Fish Fund, but the annual transfers shall not
17 exceed the annual interest accrued to the Fish and Wildlife
18 Endowment Fund.

19 Notwithstanding any other provision of law, in addition to
20 any other transfers that may be provided by law, on July 1,
21 2026 or as soon thereafter as practical, the State Comptroller
22 shall direct and the State Treasurer shall transfer the
23 remaining balance from the Fish and Wildlife Endowment Fund
24 into the Wildlife and Fish Fund. Upon completion of the
25 transfer, the Fish and Wildlife Endowment Fund is dissolved,

1 and any future deposits due to that Fund and any outstanding
2 obligations or liabilities of that Fund pass to the Wildlife
3 and Fish Fund.

4 This Section is repealed on January 1, 2027.

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

6 (30 ILCS 105/5.408 rep.)

7 (30 ILCS 105/5.700 rep.)

8 (30 ILCS 105/5.704 rep.)

9 (30 ILCS 105/5.774 rep.)

10 (30 ILCS 105/5.829 rep.)

11 (30 ILCS 105/5.959 rep.)

12 (30 ILCS 105/5.992 rep.)

13 (30 ILCS 105/5.997 rep.)

14 (30 ILCS 105/5.1010 rep.)

15 (30 ILCS 105/5.1030 rep.)

16 (30 ILCS 105/6b-4 rep.)

17 (30 ILCS 105/6z-136 rep.)

18 (30 ILCS 105/6z-137 rep.)

19 Section 5-65. The State Finance Act is amended by
20 repealing Sections 5.408, 5.700, 5.704, 5.774, 5.829, 5.959,
21 5.992, 5.997, 5.1010, 5.1030 as added by Public Act 104-259,
22 6b-4, 6z-136, and 6z-137.

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

1 (30 ILCS 570/7.10)

2 Sec. 7.10. Disposition of proceeds ~~Employment of Illinois~~
3 ~~Workers on Public Works Projects Fund~~. All moneys received by
4 the Department as civil penalties under this Act shall be
5 deposited into the Employee Classification Fund ~~Employment of~~
6 ~~Illinois Workers on Public Works Projects Fund and shall be~~
7 ~~used, subject to appropriation by the General Assembly, by the~~
8 ~~Department for administration, investigation, and other~~
9 ~~expenses incurred in carrying out its powers and duties under~~
10 ~~this Act~~. The Department shall hire as many investigators and
11 other personnel as may be necessary to carry out the purposes
12 of this Act. Notwithstanding any other provision of law, in
13 addition to any other transfers that may be provided by law, on
14 July 1, 2026 or as soon thereafter as practical, the State
15 Comptroller shall direct and the State Treasurer shall
16 transfer the remaining balance from the Employment of Illinois
17 Workers on Public Works Projects Fund into the Employee
18 Classification Fund. Upon completion of the transfer, the
19 Employment of Illinois Workers on Public Works Projects Fund
20 is dissolved, and any future deposits due to that Fund and any
21 outstanding obligations or liabilities of that Fund pass to
22 the Employee Classification Fund ~~Any moneys in the Fund at the~~
23 ~~end of a fiscal year in excess of those moneys necessary for~~
24 ~~the Department to carry out its powers and duties under this~~
25 ~~Act shall be available for appropriation to the Department for~~

1 ~~the next fiscal year for any of the Department's duties.~~

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

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

5 (30 ILCS 750/9-11)

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

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

17 The General Assembly may make appropriations for the
18 purposes of the Program. Repayment of loans made to individual
19 port districts shall be paid back into the Fund to establish an
20 ongoing revolving loan fund to facilitate continuing port
21 development activities in the State.

22 (2) Loan funds from the Program shall be made available to
23 Illinois port districts on a competitive basis. In order to
24 obtain assistance under the Program, a port district must

1 submit a comprehensive application to the Department for
2 consideration.

3 Projects eligible for funding under the Program must be
4 intermodal facilities and within the scope of powers and
5 responsibilities as granted in each port district's enabling
6 legislation. Loan funds shall not be used for working capital
7 or administrative purposes by the port district.

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

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

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

18 (a) demonstrate that the proposed project shall
19 generate sufficient revenue to support amortization of the
20 loan and be willing to pledge revenues from the project to
21 loan repayment or

22 (b) demonstrate that the port district can financially
23 support debt service payments through general revenue
24 sources of the port district and pledge the full faith and
25 credit of the port district to loan repayment.

26 In order to achieve the requirement of paragraph (a) of

1 this subsection (4), the port district may use guarantees
2 provided under facility operating agreements or guaranteed
3 facility use agreements from private concerns to demonstrate
4 loan repayment ability.

5 Certain infrastructure facilities developed under the
6 Program may be general use public facilities where there is
7 not a definitive and guaranteed revenue stream to support the
8 project, nevertheless the facilities are important to
9 facilitate overall long term port development objectives. In
10 such cases, the full faith and credit of the port district may
11 be used as loan collateral.

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

21 (6) The loan agreement shall contain customary and usual
22 loan default provisions in the event the port district fails
23 to make the required payments. The loan agreement shall
24 stipulate the State's recourse in curing any default.

25 In the event a port district becomes delinquent in
26 payments to the State, that port district shall not be

1 eligible for any future loans until the delinquency is
2 remedied.

3 (7) Individual port district project applications shall
4 include the following:

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

8 (b) Project impact. The anticipated net effects of the
9 project shall be enumerated. These impacts may include the
10 economic impact to the State, employment impact,
11 intermodal freight impacts, and environmental impacts.

12 (c) Cost estimates and preliminary project layout. The
13 overall project development cost estimate and general site
14 and or facility drawings.

15 (d) Proposed loan amount. A statement as to the amount
16 proposed from the Program and the port district's
17 intentions as to the source of other financing for the
18 project.

19 (e) Business Pro Forma ~~Proforma~~. A detailed business
20 pro forma ~~proforma~~ must be supplied which estimates
21 facility/project revenues as well as operating costs and
22 debt service.

23 (f) Loan collateral and guarantees. The port
24 district's intentions as to how it intends to
25 collateralize the loan amount, including third party
26 guarantees, pledging of project and facility revenue, or

pledging general revenues of the district.

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

(a) Minimum criteria shall include:

- (i) positive cost/benefit ratio;
- (ii) demonstrated economic feasibility of the project; and
- (iii) the ability of the port district to repay the loan.

(b) Ranking criteria may include:

- (i) a cost/benefit ratio of project in relation to other projects;
- (ii) product tonnage to be handled;
- (iii) product value to be handled;
- (iv) soundness of business proposition;
- (v) positive intermodal impacts of Illinois transportation system;
- (vi) meets overall State transportation objectives;
- (vii) economic impact to the State; or
- (viii) environmental benefits of the project.

1 Projects shall be selected according to their ranking up
2 to the limit of available funds. Selected projects shall be
3 invited to submit detailed plans, specifications, operating
4 agreements, environmental clearances, evidence of property
5 title, and other documentation as necessitated by the project.
6 When the Department determines all necessary requirements are
7 met and the remainder of the project financing is available, a
8 loan agreement shall be executed and project development may
9 commence.

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

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

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

21 (35 ILCS 717/Act rep.)

22 Section 5-80. The Reciprocal Tax Collection Act is
23 repealed.

24 Section 5-85. The Governmental Account Audit Act is

1 amended by changing Section 4.5 as follows:

2 (50 ILCS 310/4.5)

3 Sec. 4.5. Comptroller's Audit Expense Revolving Fund.
4 There is created the Comptroller's Audit Expense Revolving
5 Fund as a special fund to be held by the State Treasurer, ex
6 officio, as custodian, but separate and apart from the funds
7 in the State treasury. The following moneys shall be deposited
8 into that Fund:

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

14 (2) All moneys appropriated to that Fund by the
15 General Assembly.

16 Expenditures from the Fund shall be made on vouchers
17 signed by the Comptroller, for the sole purpose of paying the
18 Comptroller's cost of performing audits and preparing or
19 completing reports under Section 4 of this Act, Section
20 6-31004 of the Counties Code, or Section 8-8-4 of the Illinois
21 Municipal Code.

22 The State Treasurer shall invest moneys in the Fund in the
23 same manner and subject to the same restrictions as moneys in
24 the State treasury.

25 On July 1, 2026 or as soon thereafter as practical, the

1 State Comptroller shall direct and the State Treasurer shall
2 transfer the remaining balance from the Comptroller's Audit
3 Expense Revolving Fund into the Comptroller's Administrative
4 Fund. Upon completion of the transfer, the Comptroller's Audit
5 Expense Revolving Fund is dissolved, and any future deposits
6 due to that Fund and any outstanding obligations or
7 liabilities of that Fund shall pass to the Comptroller's
8 Administrative Fund.

9 This Section is repealed on January 1, 2027.

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

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

13 (55 ILCS 5/6-31008) (from Ch. 34, par. 6-31008)

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

1 ~~Revolving~~ Fund.

2 Such expenses shall be paid from the general corporate
3 fund of the county.

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

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

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

9 (65 ILCS 5/8-8-3.5)

10 Sec. 8-8-3.5. Tax Increment Financing Report. The reports
11 filed under subsection (d) of Section 11-74.4-5 of the Tax
12 Increment Allocation Redevelopment Act and the reports filed
13 under subsection (d) of Section 11-74.6-22 of the Industrial
14 Jobs Recovery Law in the Illinois Municipal Code must be
15 separate from any other annual report filed with the
16 Comptroller. The Comptroller must, in cooperation with
17 reporting municipalities, create a format for the reporting of
18 information described in paragraphs (1.5), (5), and (8) and in
19 subparagraph (G) of paragraph (7) of subsection (d) of Section
20 11-74.4-5 of the Tax Increment Allocation Redevelopment Act
21 and the information described in paragraphs (1.5), (5), and
22 (8) and in subparagraph (G) of paragraph (7) of subsection (d)
23 of Section 11-74.6-22 of the Industrial Jobs Recovery Law that
24 facilitates consistent reporting among the reporting

1 municipalities. The Comptroller may allow these reports to be
2 filed electronically and may display the report, or portions
3 of the report, electronically via the Internet. All reports
4 filed under this Section must be made available for
5 examination and copying by the public at all reasonable times.
6 A Tax Increment Financing Report must be filed electronically
7 with the Comptroller within 180 days after the close of the
8 municipal fiscal year or as soon thereafter as the audit for
9 the redevelopment project area for that fiscal year becomes
10 available. If the Tax Increment Finance administrator provides
11 the Comptroller's office with sufficient evidence that the
12 report is in the process of being completed by an auditor, the
13 Comptroller may grant an extension. If the required report is
14 not filed within the time extended by the Comptroller, the
15 Comptroller shall notify the corporate authorities of that
16 municipality that the audit report is past due. The
17 Comptroller may charge a municipality a fee of \$5 per day for
18 the first 15 days past due, \$10 per day for 16 through 30 days
19 past due, \$15 per day for 31 through 45 days past due, and \$20
20 per day for the 46th day and every day thereafter. These
21 amounts may be reduced at the Comptroller's discretion. In the
22 event the required audit report is not filed within 60 days of
23 such notice, the Comptroller shall cause such audit to be made
24 by an auditor or auditors. The Comptroller may decline to
25 order an audit and the preparation of an audit report if an
26 initial examination of the books and records of the

1 municipality indicates that books and records of the
2 municipality are inadequate or unavailable to support the
3 preparation of the audit report or the supplemental report due
4 to the passage of time or the occurrence of a natural disaster.
5 All fees collected pursuant to this Section shall be deposited
6 into the Comptroller's Administrative Fund. In the event the
7 Comptroller causes an audit to be made in accordance with the
8 requirements of this Section, the municipality shall pay to
9 the Comptroller reasonable compensation and expenses to
10 reimburse her for the cost of preparing or completing such
11 report. Moneys paid to the Comptroller pursuant to the
12 preceding sentence shall be deposited into the Comptroller's
13 Administrative ~~Audit Expense Revolving~~ Fund.

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

15 (65 ILCS 5/8-8-4) (from Ch. 24, par. 8-8-4)

16 Sec. 8-8-4. Overdue reports.

17 (a) In the event the required audit report for a
18 municipality is not filed with the Comptroller in accordance
19 with Section 8-8-7 within 180 days after the close of the
20 fiscal year of the municipality, the Comptroller shall notify
21 the corporate authorities of that municipality in writing that
22 the audit report is due, and may also grant an extension of
23 time of 60 days, for the filing of the audit report. In the
24 event the required audit report is not filed within the time
25 specified in such written notice, the Comptroller shall cause

1 such audit to be made by an auditor or auditors. In the event
2 the required annual or supplemental report for a municipality
3 is not filed within 6 months after the close of the fiscal year
4 of the municipality, the Comptroller shall notify the
5 corporate authorities of that municipality in writing that the
6 annual or supplemental report is due and may grant an
7 extension in time of 60 days for the filing of such annual or
8 supplemental report.

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

18 (c) The Comptroller may decline to order an audit or the
19 completion of the supplemental report if an initial
20 examination of the books and records of the municipality
21 indicates that books and records of the municipality are
22 inadequate or unavailable to support the preparation of the
23 audit report or the supplemental report due to the passage of
24 time or the occurrence of a natural disaster.

25 (d) The State Comptroller may grant extensions for
26 delinquent audits or reports. The Comptroller may charge a

1 municipality a fee for a delinquent audit or report of \$5 per
2 day for the first 15 days past due, \$10 per day for 16 through
3 30 days past due, \$15 per day for 31 through 45 days past due,
4 and \$20 per day for the 46th day and every day thereafter.
5 These amounts may be reduced at the Comptroller's discretion.
6 All fees collected under this subsection (d) shall be
7 deposited into the Comptroller's Administrative Fund.
8 (Source: P.A. 101-419, eff. 1-1-20.)

9 (65 ILCS 115/10-15 rep.)

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

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

15 (105 ILCS 5/2-3.127a)

16 Sec. 2-3.127a. The State Board of Education Special
17 Purpose Trust Fund. The State Board of Education Special
18 Purpose Trust Fund is created as a special fund in the State
19 treasury. The State Board of Education shall deposit all
20 indirect costs recovered from federal programs into the State
21 Board of Education Special Purpose Trust Fund. These funds may
22 be used by the State Board of Education for its ordinary and
23 contingent expenses. Additionally and unless specifically

1 directed to be deposited into other funds, all moneys received
2 by the State Board of Education from gifts, grants, royalty
3 payments, or donations from any source, public or private,
4 shall be deposited into the State Board of Education Special
5 Purpose Trust Fund. These funds shall be used, subject to
6 appropriation by the General Assembly, by the State Board of
7 Education for the purposes established by the gifts, grants,
8 royalty payments, or donations. Any royalty payments received
9 by the State Board of Education as a result of licensing
10 agreements or any other agreements entered into by the State
11 Board of Education, regardless of the original fund source,
12 shall be deposited into the State Board of Education Special
13 Purpose Trust Fund and, subject to appropriation by the
14 General Assembly, shall be expended in a manner consistent
15 with law.

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

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

2 (105 ILCS 5/3-12) (from Ch. 122, par. 3-12)

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

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

1 approved by the regional superintendent.

2 (b) In addition to the use of moneys in the ISBE Teacher
3 Certificate Institute Fund ~~institute fund~~ to defray expenses
4 under subsection (a) of this Section, the State Superintendent
5 of Education, as authorized under Section 2-3.105 of this
6 Code, shall use moneys in the ISBE Teacher Certificate
7 Institute Fund ~~institute fund~~ to defray all costs associated
8 with the administration of teaching licenses within a city
9 having a population exceeding 500,000. Moneys in the ISBE
10 Teacher Certificate Institute Fund ~~institute fund~~ may also be
11 used by the State Superintendent of Education to support
12 educator recruitment and retention programs within a city
13 having a population exceeding 500,000, to support educator
14 preparation programs within a city having a population
15 exceeding 500,000 as those programs seek national
16 accreditation, and to provide professional development aligned
17 with the requirements set forth in Section 21B-45 of this Code
18 within a city having a population exceeding 500,000. A
19 majority of the moneys in the ISBE Teacher Certificate
20 Institute Fund ~~institute fund~~ must be dedicated to the timely
21 and efficient processing of applications and for the renewal
22 of licenses.

23 (c) The regional superintendent shall on or before January
24 1 of each year post on the regional office of education's
25 website (1) the balance on hand in the ISBE Teacher
26 Certificate Institute Fund ~~institute fund~~ at the beginning of

1 the previous year; (2) all receipts within the previous year
2 deposited into ~~in~~ the fund, with the sources from which they
3 were derived; (3) the amount distributed from the fund and the
4 purposes for which such distributions were made; and (4) the
5 balance on hand in the fund.

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

7 (105 ILCS 5/3-15.12) (from Ch. 122, par. 3-15.12)

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

23 An individual is eligible to apply to the regional
24 superintendent of schools for the region in which he or she
25 resides if he or she is: (a) a person who is 17 years of age or

1 older, has maintained residence in the State of Illinois, and
2 is not a high school graduate; (b) a person who is successfully
3 completing an alternative education program under Section
4 2-3.81, Article 13A, or Article 13B; or (c) a person who is
5 enrolled in a youth education program sponsored by the
6 Illinois National Guard. For purposes of this Section,
7 residence is that abode which the applicant considers his or
8 her home. Applicants may provide as sufficient proof of such
9 residence and as an acceptable form of identification a
10 driver's license, valid passport, military ID, or other form
11 of government-issued national or foreign identification that
12 shows the applicant's name, address, date of birth, signature,
13 and photograph or other acceptable identification as may be
14 allowed by law or as regulated by the Illinois Community
15 College Board. Such regional superintendent shall determine if
16 the applicant meets statutory and regulatory state standards.

17 If qualified, the applicant shall at the time of such
18 application pay a fee established by the Illinois Community
19 College Board, which fee shall be paid into a special fund
20 under the control and supervision of the regional
21 superintendent to be used for administration of high school
22 equivalency testing. Such moneys received by the regional
23 superintendent shall be used, first, for the expenses incurred
24 in administering and scoring the examination, and next for
25 other educational programs that are developed and designed by
26 the regional superintendent of schools to assist those who

1 successfully complete high school equivalency testing or meet
2 the criteria for alternative methods of credentialing in
3 furthering their academic development or their ability to
4 secure and retain gainful employment, including programs for
5 the competitive award based on test scores of college or adult
6 education scholarship grants or similar educational
7 incentives. Any excess moneys shall be paid into the ISBE
8 Teacher Certificate Institute Fund ~~institute fund~~.

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

20 The Illinois Community College Board shall establish
21 alternative methods of credentialing for the issuance of a
22 State of Illinois High School Diploma. In addition to high
23 school equivalency testing, the following alternative methods
24 of receiving a State of Illinois High School Diploma shall be
25 made available to qualified individuals on or after January 1,
26 2018:

1 (A) High School Equivalency based on High School
2 Credit. A qualified candidate may petition to have his or
3 her high school transcripts evaluated to determine what
4 the candidate needs to meet criteria as established by the
5 Illinois Community College Board.

6 (B) High School Equivalency based on Post-Secondary
7 Credit. A qualified candidate may petition to have his or
8 her post-secondary transcripts evaluated to determine what
9 the candidate needs to meet criteria established by the
10 Illinois Community College Board.

11 (C) High School Equivalency based on a Foreign
12 Diploma. A qualified candidate may petition to have his or
13 her foreign high school or post-secondary transcripts
14 evaluated to determine what the candidate needs to meet
15 criteria established by the Illinois Community College
16 Board.

17 (D) High School Equivalency based on Completion of a
18 Competency-Based Program as approved by the Illinois
19 Community College Board. The Illinois Community College
20 Board shall establish guidelines for competency-based high
21 school equivalency programs.

22 Any applicant who has attained the age of 17 years and
23 maintained residence in the State of Illinois and is not a high
24 school graduate, any person who has enrolled in a youth
25 education program sponsored by the Illinois National Guard, or
26 any person who has successfully completed an alternative

1 education program under Section 2-3.81, Article 13A, or
2 Article 13B is eligible to apply for a State of Illinois High
3 School Diploma (if he or she meets the requirements prescribed
4 by the Illinois Community College Board) upon showing evidence
5 that he or she has completed, successfully, high school
6 equivalency testing, administered by the United States Armed
7 Forces Institute, official high school equivalency testing
8 centers established in other states, Veterans' Administration
9 Hospitals, or the office of the State Superintendent of
10 Education for the Illinois State Penitentiary System and the
11 Department of Corrections. Such applicant shall apply to the
12 regional superintendent of the region wherein he or she has
13 maintained residence, and, upon payment of a fee established
14 by the Illinois Community College Board, the regional
15 superintendent shall issue a State of Illinois High School
16 Diploma and immediately thereafter certify to the Illinois
17 Community College Board the score of the applicant and such
18 other and additional information as may be required by the
19 Illinois Community College Board.

20 Notwithstanding the provisions of this Section, any
21 applicant who has been out of school for at least one year may
22 request the regional superintendent of schools to administer
23 restricted high school equivalency testing upon written
24 request of: the director of a program who certifies to the
25 Chief Examiner of an official high school equivalency testing
26 center that the applicant has completed a program of

1 instruction provided by such agencies as the Job Corps, the
2 Postal Service Academy, or an apprenticeship training program;
3 an employer or program director for purposes of entry into
4 apprenticeship programs; another state's department of
5 education in order to meet regulations established by that
6 department of education; or a post high school educational
7 institution for purposes of admission, the Department of
8 Financial and Professional Regulation for licensing purposes,
9 or the Armed Forces for induction purposes. The regional
10 superintendent shall administer such testing, and the
11 applicant shall be notified in writing that he or she is
12 eligible to receive a State of Illinois High School Diploma
13 upon reaching age 17, provided he or she meets the standards
14 established by the Illinois Community College Board.

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

- 24 (1) The applicant qualifies as a homeless person,
25 child, or youth as defined in the Education for Homeless
26 Children Act.

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

3 (3) The applicant can verify his or her status as a
4 homeless person, child, or youth. A homeless services
5 provider that is qualified to verify an individual's
6 housing status, as determined by the Illinois Community
7 College Board, and that has knowledge of the applicant's
8 housing status may verify the applicant's status for
9 purposes of this subdivision (3).

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

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

16 In counties of over 3,000,000 population, a State of
17 Illinois High School Diploma shall contain the signatures of
18 the Executive Director of the Illinois Community College Board
19 and the superintendent, president, or other chief executive
20 officer of the institution where high school equivalency
21 testing instruction occurred and any other signatures
22 authorized by the Illinois Community College Board.

23 The regional superintendent of schools shall furnish the
24 Illinois Community College Board with any information that the
25 Illinois Community College Board requests with regard to
26 testing and diplomas under this Section.

1 A State of Illinois High School Diploma is a recognized
2 high school equivalency certificate for purposes of
3 reciprocity with other states. A high school equivalency
4 certificate from another state is equivalent to a State of
5 Illinois High School Diploma.

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

7 (105 ILCS 5/21B-40)

8 Sec. 21B-40. Fees.

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

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

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

24 (1.7) A \$25 application fee for a Short-Term
25 Substitute Teaching License. The Short-Term Substitute

1 Teaching License must be registered in at least one region
2 in this State, but does not require a registration fee.
3 The licensee may apply for a refund of the application fee
4 within 18 months of issuance of the new license and shall
5 be issued that refund by the State Board of Education if
6 the licensee provides evidence to the State Board of
7 Education that the licensee has taught pursuant to the
8 Short-Term Substitute Teaching License at least 10 full
9 school days within one year of issuance. The application
10 fee for a Short-Term Substitute Teaching License shall be
11 waived when the Governor has declared a disaster due to a
12 public health emergency pursuant to Section 7 of the
13 Illinois Emergency Management Agency Act.

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

19 (3) A \$50 application fee for each endorsement or
20 approval.

21 (4) A \$10 per year registration fee for the course of
22 the validity cycle to register the license, which shall be
23 paid to the regional office of education having
24 supervision and control over the school in which the
25 individual holding the license is to be employed. If the
26 individual holding the license is not yet employed, then

1 the license may be registered in any county in this State.
2 The registration fee must be paid in its entirety the
3 first time the individual registers the license for a
4 particular validity period in a single region. No
5 additional fee may be charged for that validity period
6 should the individual subsequently register the license in
7 additional regions. An individual must register the
8 license (i) immediately after initial issuance of the
9 license and (ii) at the beginning of each renewal cycle if
10 the individual has satisfied the renewal requirements
11 required under this Code.

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

21 (5) The license renewal fee for an Educator License
22 with Stipulations with a paraprofessional educator
23 endorsement is \$25.

24 (b) All application fees paid pursuant to subdivisions (1)
25 through (3) of subsection (a) of this Section shall be
26 deposited into the Teacher Certificate Fee Revolving Fund and

1 shall be used, subject to appropriation, by the State Board of
2 Education to provide the technology and human resources
3 necessary for the timely and efficient processing of
4 applications and for the renewal of licenses. Funds available
5 from the Teacher Certificate Fee Revolving Fund may also be
6 used by the State Board of Education to support the
7 recruitment and retention of educators, to support educator
8 preparation programs as they seek national accreditation, and
9 to provide professional development aligned with the
10 requirements set forth in Section 21B-45 of this Code. A
11 majority of the funds in the Teacher Certificate Fee Revolving
12 Fund must be dedicated to the timely and efficient processing
13 of applications and for the renewal of licenses. The Teacher
14 Certificate Fee Revolving Fund is not subject to
15 administrative charge transfers, authorized under Section 8h
16 of the State Finance Act, from the Teacher Certificate Fee
17 Revolving Fund into any other fund of this State, and moneys in
18 the Teacher Certificate Fee Revolving Fund shall not revert
19 back to the General Revenue Fund at any time.

20 The regional superintendent of schools shall deposit the
21 registration fees paid pursuant to subdivision (4) of
22 subsection (a) of this Section into the ISBE Teacher
23 Certificate Institute Fund ~~institute fund~~ established pursuant
24 to Section 3-12 ~~3-11~~ of this Code.

25 (c) The State Board of Education and each regional office
26 of education are authorized to charge a service or convenience

1 fee for the use of credit cards for the payment of license
2 fees. This service or convenience fee shall not exceed the
3 amount required by the credit card processing company or
4 vendor that has entered into a contract with the State Board or
5 regional office of education for this purpose, and the fee
6 must be paid to that company or vendor.

7 (d) If, at the time a certificate issued under Article 21
8 of this Code is exchanged for a license issued under this
9 Article, a person has paid registration fees for any years of
10 the validity period of the certificate and these years have
11 not expired when the certificate is exchanged, then those fees
12 must be applied to the registration of the new license.

13 (Source: P.A. 101-81, eff. 7-12-19; 101-570, eff. 8-23-19;
14 102-867, eff. 5-13-22.)

15 (105 ILCS 5/22-110) (was 105 ILCS 5/27-23.7)

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

17 Sec. 22-110. Bullying prevention.

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

1 using drugs and alcohol, sexual harassment, and sexual
2 violence. Because of the negative outcomes associated with
3 bullying in schools, the General Assembly finds that school
4 districts, charter schools, and non-public, non-sectarian
5 elementary and secondary schools should educate students,
6 parents, and school district, charter school, or non-public,
7 non-sectarian elementary or secondary school personnel about
8 what behaviors constitute prohibited bullying.

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

21 (1) during any school-sponsored education program or
22 activity;

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

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

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

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

21 (b) In this Section:

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

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

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

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

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

10 Bullying, as defined in this subsection (b), may take
11 various forms, including, without limitation, one or more of
12 the following: harassment, threats, intimidation, stalking,
13 physical violence, sexual harassment, sexual violence, theft,
14 public humiliation, destruction of property, or retaliation
15 for asserting or alleging an act of bullying. This list is
16 meant to 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, without
23 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.

10 "Policy on bullying" means a bullying prevention policy
11 that meets the following criteria:

12 (1) Includes the bullying definition provided in this
13 Section.

14 (2) Includes a statement that bullying is contrary to
15 State law and the policy of the school district, charter
16 school, or non-public, non-sectarian elementary or
17 secondary school and is consistent with subsection (a-5)
18 of this Section.

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

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

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

16 (A) Making all reasonable efforts to complete the
17 investigation within 10 school days after the date the
18 report of the incident of bullying was received and
19 taking into consideration additional relevant
20 information received during the course of the
21 investigation about the reported incident of bullying.

22 (B) Involving appropriate school support personnel
23 and other staff persons with knowledge, experience,
24 and training on bullying prevention, as deemed
25 appropriate, in the investigation process.

26 (C) Notifying the principal or school

1 administrator or his or her designee of the report of
2 the incident of bullying as soon as possible after the
3 report is received.

4 (D) Consistent with federal and State laws and
5 rules governing student privacy rights, providing
6 parents and guardians of the students who are parties
7 to the investigation information about the
8 investigation and an opportunity to meet with the
9 principal or school administrator or his or her
10 designee to discuss the investigation, the findings of
11 the investigation, and the actions taken to address
12 the reported incident of bullying.

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

18 (7) Includes a statement prohibiting reprisal or
19 retaliation against any person who reports an act of
20 bullying and the consequences and appropriate remedial
21 actions for a person who engages in reprisal or
22 retaliation.

23 (8) Includes consequences and appropriate remedial
24 actions for a person found to have falsely accused another
25 of bullying as a means of retaliation or as a means of
26 bullying.

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

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

13 (11) As part of the process of reviewing and
14 re-evaluating the policy under subsection (d) of this
15 Section, contains a policy evaluation process to assess
16 the outcomes and effectiveness of the policy that
17 includes, but is not limited to, factors such as the
18 frequency of victimization; student, staff, and family
19 observations of safety at a school; identification of
20 areas of a school where bullying occurs; the types of
21 bullying utilized; and bystander intervention or
22 participation. The school district, charter school, or
23 non-public, non-sectarian elementary or secondary school
24 may use relevant data and information it already collects
25 for other purposes in the policy evaluation. The
26 information developed as a result of the policy evaluation

1 must be made available on the ~~Internet~~ website of the
2 school district, charter school, or non-public,
3 non-sectarian elementary or secondary school. If a ~~an~~
4 ~~Internet~~ website is not available, the information must be
5 provided to school administrators, school board members,
6 school personnel, parents, guardians, and students.

7 (12) Is consistent with the policies of the school
8 board, charter school, or non-public, non-sectarian
9 elementary or secondary school.

10 (13) Requires all individual instances of bullying, as
11 well as all threats, suggestions, or instances of
12 self-harm determined to be the result of bullying, to be
13 reported to the parents or legal guardians of those
14 involved under the guidelines provided in paragraph (4) of
15 this definition.

16 "Restorative measures" means a continuum of school-based
17 alternatives to exclusionary discipline, such as suspensions
18 and expulsions, that: (i) are adapted to the particular needs
19 of the school and community, (ii) contribute to maintaining
20 school safety, (iii) protect the integrity of a positive and
21 productive learning climate, (iv) teach students the personal
22 and interpersonal skills they will need to be successful in
23 school and society, (v) serve to build and restore
24 relationships among students, families, schools, and
25 communities, (vi) reduce the likelihood of future disruption
26 by balancing accountability with an understanding of students'

1 behavioral health needs in order to keep students in school,
2 and (vii) increase student accountability if the incident of
3 bullying is based on religion, race, ethnicity, or any other
4 category that is identified in the Illinois Human Rights Act.

5 "School personnel" means persons employed by, on contract
6 with, or who volunteer in a school district, charter school,
7 or non-public, non-sectarian elementary or secondary school,
8 including, without limitation, school and school district
9 administrators, teachers, school social workers, school
10 counselors, school psychologists, school nurses, cafeteria
11 workers, custodians, bus drivers, school resource officers,
12 and security guards.

13 (c) (Blank).

14 (d) Each school district, charter school, and non-public,
15 non-sectarian elementary or secondary school shall create,
16 maintain, and implement a policy on bullying, which policy
17 must be filed with the State Board of Education. The policy on
18 bullying shall be based on the State Board of Education's
19 template for a model bullying prevention policy under
20 subsection (h) and shall include the criteria set forth in the
21 definition of "policy on bullying". The policy or implementing
22 procedure shall include a process to investigate whether a
23 reported act of bullying is within the permissible scope of
24 the district's or school's jurisdiction and shall require that
25 the district or school provide the victim with information
26 regarding services that are available within the district and

1 community, such as counseling, support services, and other
2 programs. School personnel available for help with a bully or
3 to make a report about bullying shall be made known to parents
4 or legal guardians, students, and school personnel. Every 2
5 years, each school district, charter school, and non-public,
6 non-sectarian elementary or secondary school shall conduct a
7 review and re-evaluation of its policy and make any necessary
8 and appropriate revisions. No later than September 30 of the
9 subject year, the policy must be filed with the State Board of
10 Education after being updated. The State Board of Education
11 shall monitor and provide technical support for the
12 implementation of policies created under this subsection (d).
13 In monitoring the implementation of the policies, the State
14 Board of Education shall review each filed policy on bullying
15 to ensure all policies meet the requirements set forth in this
16 Section, including ensuring that each policy meets the 12
17 criteria ~~criterion~~ identified within the definition of "policy
18 on bullying" set forth in this Section.

19 If a school district, charter school, or non-public,
20 non-sectarian elementary or secondary school fails to file a
21 policy on bullying by September 30 of the subject year, the
22 State Board of Education shall provide a written request for
23 filing to the school district, charter school, or non-public,
24 non-sectarian elementary or secondary school. If a school
25 district, charter school, or non-public, non-sectarian
26 elementary or secondary school fails to file a policy on

1 bullying within 14 days of receipt of the aforementioned
2 written request, the State Board of Education shall publish
3 notice of the non-compliance on the State Board of Education's
4 website.

5 Each school district, charter school, and non-public,
6 non-sectarian elementary or secondary school may provide
7 evidence-based professional development and youth programming
8 on bullying prevention that is consistent with the provisions
9 of this Section.

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

13 (f) School districts, charter schools, and non-public,
14 non-sectarian elementary and secondary schools shall collect,
15 maintain, and submit to the State Board of Education
16 non-identifiable data regarding verified allegations of
17 bullying within the school district, charter school, or
18 non-public, non-sectarian elementary or secondary school.
19 School districts, charter schools, and non-public,
20 non-sectarian elementary and secondary schools must submit
21 such data in an annual report due to the State Board of
22 Education no later than August 15 of each year starting with
23 the 2024-2025 school year through the 2030-2031 school year.
24 The State Board of Education shall adopt rules for the
25 submission of data that includes, but is not limited to: (i) a
26 record of each verified allegation of bullying and action

1 taken; and (ii) whether the instance of bullying was based on
2 actual or perceived characteristics identified in subsection
3 (a) and, if so, lists the relevant characteristics. The rules
4 for the submission of data shall be consistent with federal
5 and State laws and rules governing student privacy rights,
6 including, but not limited to, the federal Family Educational
7 Rights and Privacy Act of 1974 and the Illinois School Student
8 Records Act, which shall include, without limitation, a record
9 of each complaint and action taken. The State Board of
10 Education shall adopt rules regarding the notification of
11 school districts, charter schools, and non-public,
12 non-sectarian elementary and secondary schools that fail to
13 comply with the requirements of this subsection.

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

26 (h) By January 1, 2024, the State Board of Education shall

1 post on its ~~Internet~~ website a template for a model bullying
2 prevention policy.

3 (i) The Illinois Bullying and Cyberbullying Prevention
4 Fund is created as a special fund in the State treasury. Any
5 moneys appropriated to the Fund may be used, subject to
6 appropriation, by the State Board of Education for the
7 purposes of subsection (j).

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

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

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

21 Sec. 22-110. Bullying prevention.

22 (a) The General Assembly finds that a safe and civil
23 school environment is necessary for students to learn and
24 achieve and that bullying causes physical, psychological, and
25 emotional harm to students and interferes with students'

1 ability to learn and participate in school activities. The
2 General Assembly further finds that bullying has been linked
3 to other forms of antisocial behavior, such as vandalism,
4 shoplifting, skipping and dropping out of school, fighting,
5 using drugs and alcohol, sexual harassment, and sexual
6 violence. Because of the negative outcomes associated with
7 bullying in schools, the General Assembly finds that school
8 districts, charter schools, and non-public, non-sectarian
9 elementary and secondary schools should educate students,
10 parents, and school district, charter school, or non-public,
11 non-sectarian elementary or secondary school personnel about
12 what behaviors constitute prohibited bullying.

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

25 (1) during any school-sponsored education program or
26 activity;

1 (2) while in school, on school property, on school
2 buses or other school vehicles, at designated school bus
3 stops waiting for the school bus, or at school-sponsored
4 or school-sanctioned events or activities;

5 (3) through the transmission of information from a
6 school computer, a school computer network, or other
7 similar electronic school equipment; or

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

20 (a-5) Nothing in this Section is intended to infringe upon
21 any right to exercise free expression or the free exercise of
22 religion or religiously based views protected under the First
23 Amendment to the United States Constitution or under Section 3
24 of Article I of the Illinois Constitution.

25 (b) In this Section:

26 "Artificial intelligence" has the meaning given to that

1 term in the Digital Voice and Likeness Protection Act.

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

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

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

11 (3) substantially interfering with the student's or
12 students' academic performance; or

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

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

24 "Cyber-bullying" means bullying through the use of
25 technology or any electronic communication, including, without
26 limitation, any transfer of signs, signals, writing, images,

1 sounds, data, or intelligence of any nature transmitted in
2 whole or in part by a wire, radio, electromagnetic system,
3 photoelectronic system, or photooptical system, including,
4 without limitation, electronic mail, Internet communications,
5 instant messages, or facsimile communications.

6 "Cyber-bullying" includes the creation of a webpage or weblog
7 in which the creator assumes the identity of another person or
8 the knowing impersonation of another person as the author of
9 posted content or messages if the creation or impersonation
10 creates any of the effects enumerated in the definition of
11 bullying in this Section. "Cyber-bullying" also includes the
12 distribution by electronic means of a communication to more
13 than one person or the posting of material on an electronic
14 medium that may be accessed by one or more persons if the
15 distribution or posting creates any of the effects enumerated
16 in the definition of bullying in this Section. Beginning with
17 the 2026-2027 school year, "cyber-bullying" also includes the
18 posting or distribution of an unauthorized digital replica by
19 electronic means if the posting or distribution creates any of
20 the effects enumerated in the definition of "bullying" in this
21 Section.

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

24 "Policy on bullying" means a bullying prevention policy
25 that meets the following criteria:

- 26 (1) Includes the bullying definition provided in this

1 Section.

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

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

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

1 within the 24-hour period.

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

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

10 (B) Involving appropriate school support personnel
11 and other staff persons with knowledge, experience,
12 and training on bullying prevention, as deemed
13 appropriate, in the investigation process.

14 (C) Notifying the principal or school
15 administrator or his or her designee of the report of
16 the incident of bullying as soon as possible after the
17 report is received.

18 (D) Consistent with federal and State laws and
19 rules governing student privacy rights, providing
20 parents and guardians of the students who are parties
21 to the investigation information about the
22 investigation and an opportunity to meet with the
23 principal or school administrator or his or her
24 designee to discuss the investigation, the findings of
25 the investigation, and the actions taken to address
26 the reported incident of bullying.

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

6 (7) Includes a statement prohibiting reprisal or
7 retaliation against any person who reports an act of
8 bullying and the consequences and appropriate remedial
9 actions for a person who engages in reprisal or
10 retaliation.

11 (8) Includes consequences and appropriate remedial
12 actions for a person found to have falsely accused another
13 of bullying as a means of retaliation or as a means of
14 bullying.

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

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

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

21 (12) Is consistent with the policies of the school
22 board, charter school, or non-public, non-sectarian
23 elementary or secondary school.

24 (13) Requires all individual instances of bullying, as
25 well as all threats, suggestions, or instances of
26 self-harm determined to be the result of bullying, to be

1 reported to the parents or legal guardians of those
2 involved under the guidelines provided in paragraph (4) of
3 this definition.

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

19 "School personnel" means persons employed by, on contract
20 with, or who volunteer in a school district, charter school,
21 or non-public, non-sectarian elementary or secondary school,
22 including, without limitation, school and school district
23 administrators, teachers, school social workers, school
24 counselors, school psychologists, school nurses, cafeteria
25 workers, custodians, bus drivers, school resource officers,
26 and security guards.

1 "Unauthorized digital replica" means the use of a digital
2 replica of an individual without the consent of the depicted
3 individual.

4 (c) (Blank).

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

1 Education after being updated. The State Board of Education
2 shall monitor and provide technical support for the
3 implementation of policies created under this subsection (d).
4 In monitoring the implementation of the policies, the State
5 Board of Education shall review each filed policy on bullying
6 to ensure all policies meet the requirements set forth in this
7 Section, including ensuring that each policy meets the 13
8 criteria ~~criterion~~ identified within the definition of "policy
9 on bullying" set forth in this Section.

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

22 Each school district, charter school, and non-public,
23 non-sectarian elementary or secondary school may provide
24 evidence-based professional development and youth programming
25 on bullying prevention that is consistent with the provisions
26 of this Section.

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

4 (f) School districts, charter schools, and non-public,
5 non-sectarian elementary and secondary schools shall collect,
6 maintain, and submit to the State Board of Education
7 non-identifiable data regarding verified allegations of
8 bullying within the school district, charter school, or
9 non-public, non-sectarian elementary or secondary school.

10 School districts, charter schools, and non-public,
11 non-sectarian elementary and secondary schools must submit
12 such data in an annual report due to the State Board of
13 Education no later than August 15 of each year starting with
14 the 2024-2025 school year through the 2030-2031 school year.

15 The State Board of Education shall adopt rules for the
16 submission of data that includes, but is not limited to: (i) a
17 record of each verified allegation of bullying and action
18 taken; and (ii) whether the instance of bullying was based on
19 actual or perceived characteristics identified in subsection
20 (a) and, if so, lists the relevant characteristics. The rules
21 for the submission of data shall be consistent with federal
22 and State laws and rules governing student privacy rights,
23 including, but not limited to, the federal Family Educational
24 Rights and Privacy Act of 1974 and the Illinois School Student
25 Records Act, which shall include, without limitation, a record
26 of each complaint and action taken. The State Board of

1 Education shall adopt rules regarding the notification of
2 school districts, charter schools, and non-public,
3 non-sectarian elementary and secondary schools that fail to
4 comply with the requirements of this subsection.

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

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

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

25 (j) Subject to appropriation, the State Superintendent of
26 Education may provide a grant to a school district, charter

1 school, or non-public, non-sectarian elementary or secondary
2 school to support its anti-bullying programming. ~~Grants may be~~
3 ~~awarded from the Illinois Bullying and Cyberbullying~~
4 ~~Prevention Fund.~~ School districts, charter schools, and
5 non-public, non-sectarian elementary or secondary schools that
6 are not in compliance with subsection (f) are not eligible to
7 receive a grant under this subsection ~~from the Illinois~~
8 ~~Bullying and Cyberbullying Prevention Fund.~~

9 (Source: P.A. 103-47, eff. 6-9-23; 104-338, eff. 7-1-26;
10 104-391, eff. 8-15-25; revised 9-24-25.)

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

14 (220 ILCS 5/13-301.3)

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

16 Sec. 13-301.3. Digital Divide Elimination Infrastructure
17 Program.

18 (a) The Digital Divide Elimination Infrastructure Fund is
19 created as a special fund in the State treasury. All moneys in
20 the Fund shall be used, subject to appropriation, by the
21 Commission to fund (i) the construction of facilities
22 specified in Commission rules adopted under this Section and
23 (ii) the accessible electronic information program, as
24 provided in Section 20 of the Accessible Electronic

1 Information Act. The Commission may accept private and public
2 funds, including federal funds, for deposit into the Fund.
3 Earnings attributable to moneys in the Fund shall be deposited
4 into the Fund.

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

1 demonstrate to the Commission that the grant shall be used for
2 the construction of high-speed data transmission facilities in
3 an eligible area and demonstrate that it satisfies all other
4 requirements of the Commission's rules. The Commission shall
5 determine the information that it deems necessary to award
6 grants pursuant to this Section.

7 (c) The rules of the Commission shall provide for the
8 competitive selection of recipients of grant funds available
9 from the Digital Divide Elimination Infrastructure Fund
10 pursuant to the Illinois Procurement Code. Grants shall be
11 awarded to bidders chosen on the basis of the criteria
12 established in such rules.

13 (d) All entities awarded grant moneys under this Section
14 shall maintain all records required by Commission rule for the
15 period of time specified in the rules. Such records shall be
16 subject to audit by the Commission, by any auditor appointed
17 by the State, or by any State officer authorized to conduct
18 audits.

19 (e) 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 Digital Divide
22 Elimination Infrastructure Fund into the General Revenue Fund.
23 Upon completion of the transfer, the Digital Divide
24 Elimination Infrastructure Fund is dissolved, and any future
25 deposits due to that Fund and any outstanding obligations or
26 liabilities of that Fund pass to the General Revenue Fund.

1 This Section is repealed on January 1, 2027.

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

3 (220 ILCS 5/13-305)

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

5 Sec. 13-305. Amount of civil penalty. A telecommunications
6 carrier, any corporation other than a telecommunications
7 carrier, or any person acting as a telecommunications carrier
8 that violates or fails to comply with any provisions of this
9 Act or that fails to obey, observe, or comply with any order,
10 decision, rule, regulation, direction, or requirement, or any
11 part or provision thereof, of the Commission, made or issued
12 under authority of this Act, in a case in which a civil penalty
13 is not otherwise provided for in this Act, but excepting
14 Section 5-202 of the Act, shall be subject to a civil penalty
15 imposed in the manner provided in Section 13-304 of no more
16 than \$30,000 or 0.00825% of the carrier's gross intrastate
17 annual telecommunications revenue, whichever is greater, for
18 each offense unless the violator has fewer than 35,000
19 subscriber access lines, in which case the civil penalty may
20 not exceed \$2,000 for each offense.

21 A telecommunications carrier subject to administrative
22 penalties resulting from a final Commission order approving an
23 intercorporate transaction entered pursuant to Section 7-204
24 of this Act shall be subject to penalties under this Section
25 imposed for the same conduct only to the extent that such

1 penalties exceed those imposed by the final Commission order.

2 Every violation of the provisions of this Act or of any
3 order, decision, rule, regulation, direction, or requirement
4 of the Commission, or any part or provision thereof, by any
5 corporation or person, is a separate and distinct offense.
6 Penalties under this Section shall attach and begin to accrue
7 from the day after written notice is delivered to such party or
8 parties that they are in violation of or have failed to comply
9 with this Act or an order, decision, rule, regulation,
10 direction, or requirement of the Commission, or part or
11 provision thereof. In case of a continuing violation, each
12 day's continuance thereof shall be a separate and distinct
13 offense.

14 In construing and enforcing the provisions of this Act
15 relating to penalties, the act, omission, or failure of any
16 officer, agent, or employee of any telecommunications carrier
17 or of any person acting within the scope of his or her duties
18 or employment shall in every case be deemed to be the act,
19 omission, or failure of such telecommunications carrier or
20 person.

21 If the party who has violated or failed to comply with this
22 Act or an order, decision, rule, regulation, direction, or
23 requirement of the Commission, or any part or provision
24 thereof, fails to seek timely review pursuant to Sections
25 10-113 and 10-201 of this Act, the party shall, upon
26 expiration of the statutory time limit, be subject to the

1 civil penalty provision of this Section.

2 ~~All Twenty percent of all~~ moneys collected under this
3 Section shall be deposited into the Digital Divide Elimination
4 Fund ~~and 20% of all moneys collected under this Section shall~~
5 ~~be deposited into the Digital Divide Elimination~~
6 ~~Infrastructure Fund.~~

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

8 (220 ILCS 5/13-502.5)

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

10 Sec. 13-502.5. Services alleged to be improperly
11 classified.

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

19 (b) All retail telecommunications services provided to
20 business end users by any telecommunications carrier subject,
21 as of May 1, 2001, to alternative regulation under an
22 alternative regulation plan pursuant to Section 13-506.1 of
23 this Act shall be classified as competitive as of June 30, 2001
24 (the effective date of Public Act 92-22) ~~this amendatory Act~~
25 ~~of the 92nd General Assembly~~ without further Commission

1 review. Rates for retail telecommunications services provided
2 to business end users with 4 or fewer access lines shall not
3 exceed the rates the carrier charged for those services on May
4 1, 2001. This restriction upon the rates of retail
5 telecommunications services provided to business end users
6 shall remain in force and effect through July 1, 2005;
7 provided, however, that nothing in this Section shall be
8 construed to prohibit reduction of those rates. Rates for
9 retail telecommunications services provided to business end
10 users with 5 or more access lines shall not be subject to the
11 restrictions set forth in this subsection.

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

22 (d) Any action or proceeding before the Commission on June
23 30, 2001 (~~upon~~ the effective date of Public Act 92-22) ~~this~~
24 ~~amendatory Act of the 92nd General Assembly~~, in which it is
25 alleged that a telecommunications carrier has improperly
26 classified services as competitive, other than a case

1 pertaining to Section 13-506.1, shall be abated and the
2 services the classification of which is at issue shall be
3 deemed either competitive or noncompetitive as set forth in
4 this Section. Any telecommunications carrier subject to an
5 action or proceeding in which it is alleged that the
6 telecommunications carrier has improperly classified services
7 as competitive shall be deemed liable to refund, and shall
8 refund, the sum of \$90,000,000 to that class or those classes
9 of its customers that were alleged to have paid rates in excess
10 of noncompetitive rates as the result of the alleged improper
11 classification. The telecommunications carrier shall make the
12 refund no later than 120 days after June 30, 2001 (the
13 effective date of Public Act 92-22) ~~this amendatory Act of the~~
14 ~~92nd General Assembly.~~

15 (e) Any telecommunications carrier subject to an action or
16 proceeding in which it is alleged that the telecommunications
17 carrier has improperly classified services as competitive
18 shall also pay the sum of \$15,000,000 to the Digital Divide
19 Elimination Fund (now repealed) established pursuant to
20 Section 5-20 of the Eliminate the Digital Divide Law, and
21 shall further pay the sum of \$15,000,000 to the Digital Divide
22 Elimination Infrastructure Fund established pursuant to
23 Section 13-301.3 of this Act. The telecommunications carrier
24 shall make each of these payments in 3 installments of
25 \$5,000,000, payable on July 1 of 2002, 2003, and 2004. The
26 telecommunications carrier shall have no further accounting

1 for these payments, which shall be used for the purposes
2 established in the Eliminate the Digital Divide Law.

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

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

6 (220 ILCS 5/21-1101)

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

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

9 (a) The holder of a State-issued authorization shall not
10 deny access to cable service or video service to any potential
11 residential subscribers because of the race or income of the
12 residents in the local area in which the potential subscribers
13 reside.

14 (b) (Blank).

15 (c)(1) If the holder of a State-issued authorization is
16 using telecommunications facilities to provide cable or video
17 service and has more than 1,000,000 telecommunications access
18 lines in this State, the holder shall provide access to its
19 cable or video service to a number of households equal to at
20 least 35% of the households in the holder's telecommunications
21 service area in the State within 3 years after the date a
22 holder receives a State-issued authorization from the
23 Commission and to a number not less than 50% of these
24 households within 5 years after the date a holder receives a
25 State-issued authorization from the Commission; provided that

1 the holder of a State-issued authorization is not required to
2 meet the 50% requirement in this paragraph (1) until 2 years
3 after at least 15% of the households with access to the
4 holder's video service subscribe to the service for 6
5 consecutive months.

6 The holder's obligation to provide such access in the
7 State shall be distributed, as the holder determines, within 3
8 designated market areas, one in each of the northeastern,
9 central, and southwestern portions of the holder's
10 telecommunications service area in the State. The designated
11 market area for the northeastern portion shall consist of 2
12 separate and distinct reporting areas: (i) a city with more
13 than 1,000,000 inhabitants, and (ii) all other local units of
14 government on a combined basis within such designated market
15 area in which it offers video service.

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

26 Furthermore, if any state, in which a holder subject to

1 this subsection (c) or one of its affiliates provides or seeks
2 to provide cable or video service, adopts a law requiring a
3 holder of a state-issued authorization or statewide franchises
4 to offer cable or video service to more than 35% of its
5 households if less than 15% of the households with access to
6 the holder's video service subscribe to the service for 6
7 consecutive months, then as a precondition to further
8 build-out, holders subject to this subsection (c) shall be
9 subject to the same percentage of service subscription in
10 meeting its obligation to provide service to 50% of the
11 households in this State.

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

1 least equal to the percentage of the total low-income
2 households within that exchange.

3 (d) (1) All other holders shall only provide access to one
4 or more exchanges, as that term is defined in Section 13-206 of
5 this Act, or to local units of government and shall provide
6 access to their cable or video service to a number of
7 households equal to 35% of the households in the exchange or
8 local unit of government within 3 years after the date a holder
9 receives a State-issued authorization from the Commission and
10 to a number not less than 50% of these households within 5
11 years after the date a holder receives a State-issued
12 authorization from the Commission, provided that if the holder
13 is an incumbent cable operator or any successor-in-interest
14 company, it shall be obligated to provide access to cable or
15 video services within the jurisdiction of a local unit of
16 government at the same levels required by the local
17 franchising authorities for that local unit of government on
18 June 30, 2007 (the effective date of Public Act 95-9).

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

23 Within each designated exchange, as that term is defined
24 in Section 13-206 of this Act, or local unit of government
25 listed in paragraph (1) of this subsection (d), the holder's
26 obligation to offer service to low-income households shall be

1 measured by each exchange or local unit of government in which
2 the holder chooses to provide cable or video service. Except
3 as provided in paragraph (1) of this subsection (d), the
4 holder is under no obligation to serve or provide access to an
5 entire exchange or local unit of government; however, in
6 addition to the statewide obligation to provide low-income
7 access provided by this Section, in each exchange or local
8 unit of government in which the holder chooses to provide
9 cable or video service, the holder shall provide access to a
10 percentage of low-income households that is at least equal to
11 the percentage of the total low-income households within that
12 exchange or local unit of government.

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

1 any part of the State ~~for the purposes established in the~~
2 ~~Digital Divide Elimination Infrastructure Fund or~~ for
3 broadband deployment.

4 (f) The holder of a State-issued authorization may satisfy
5 the requirements of subsections (c) and (d) of this Section
6 through the use of any technology, which shall not include
7 direct-to-home satellite service, that offers service,
8 functionality, and content that is demonstrably similar to
9 that provided through the holder's videosevice system.

10 (g) In any investigation into or complaint alleging that
11 the holder of a State-issued authorization has failed to meet
12 the requirements of this Section, the following factors may be
13 considered in justification or mitigation or as justification
14 for an extension of time to meet the requirements of
15 subsections (c) and (d) of this Section:

16 (1) The inability to obtain access to public and
17 private rights-of-way under reasonable terms and
18 conditions.

19 (2) Barriers to competition arising from existing
20 exclusive service arrangements in developments or
21 buildings.

22 (3) The inability to access developments or buildings
23 using reasonable technical solutions under commercially
24 reasonable terms and conditions.

25 (4) Natural disasters.

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

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

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

7 (2) which portions of subsection (g) of this Section
8 apply; and

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

12 (i) The factors in subsection (g) of this Section may be
13 considered by the Attorney General or by a court of competent
14 jurisdiction in determining whether the holder is in violation
15 of this Article.

16 (j) Every holder of a State-issued authorization, no later
17 than April 1, 2009, and annually no later than April 1
18 thereafter, shall report to the Commission for each of the
19 service areas as described in subsections (c) and (d) of this
20 Section in which it provides access to its video service in the
21 State, the following information:

22 (1) Cable service and video service information:

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

1 described in subsection (d) of this Section in which
2 it offers video service.

3 (B) The number of households in the holder's
4 telecommunications service area within each designated
5 market area as described in subsection (c) of this
6 Section or exchange or local unit of government as
7 described in subsection (d) of this Section that are
8 offered access to video service by the holder.

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

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

14 (2) Low-income household information:

15 (A) 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 which
21 it offers video service.

22 (B) The number of low-income households in the
23 holder's telecommunications service area within each
24 designated market area as described in subsection (c)
25 of this Section, as further identified in terms of
26 exchanges, or exchange or local unit of government as

1 described in subsection (d) of this Section in the
2 State that are offered access to video service by the
3 holder.

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

6 (D) The number of low-income households in the
7 holder's telecommunications service area in the State
8 that are offered access to video service by the
9 holder.

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

25 (1) Cable service and video service information:

26 (A) The number of households in the holder's

1 telecommunications service area within each designated
2 market area in which it offers cable service or video
3 service.

4 (B) The number of households in the holder's
5 telecommunications service area within each designated
6 market area that are offered access to cable service
7 or video service by the holder.

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

10 (D) The number of households in the holder's
11 telecommunications service area in the State that are
12 offered access to cable service or video service by
13 the holder.

14 (E) The exchanges or local units of government in
15 which the holder added cable service or video service
16 in the prior year.

17 (2) Low-income household information:

18 (A) The number of low-income households in the
19 holder's telecommunications service area within each
20 designated market area in which it offers video
21 service.

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

26 (C) The number of low-income households in the

1 holder's telecommunications service area in the State.

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

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

20 (1) Cable service and video service information:

21 (A) The number of households in the holder's
22 footprint in which it offers cable service or video
23 service.

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

1 (C) The exchanges or local units of government in
2 which the holder added cable service or video service
3 in the prior year.

4 (2) Low-income household information:

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

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

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

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

25 Section 5-115. The Acupuncture Practice Act is amended by

1 changing Section 135 as follows:

2 (225 ILCS 2/135)

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

4 Sec. 135. Criminal violations. Whoever knowingly practices
5 or offers to practice acupuncture in this State without being
6 licensed for that purpose shall be guilty of a Class A
7 misdemeanor and for each subsequent conviction shall be guilty
8 of a Class 4 felony. Notwithstanding any other provision of
9 this Act, all criminal fines, moneys, or other property
10 collected or received by the Department under this Section or
11 any other State or federal statute, including but not limited
12 to property forfeited to the Department under Section 505 of
13 the Illinois Controlled Substances Act or Section 85 of the
14 Methamphetamine Control and Community Protection Act, shall be
15 deposited into the General Professions Dedicated ~~Professional~~
16 ~~Regulation Evidence~~ Fund.

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

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

20 (225 ILCS 25/38) (from Ch. 111, par. 2338)

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

22 Sec. 38. Penalty of unlawful practice - second and
23 subsequent offenses. Any person who practices or offers to

1 practice dentistry in this State without being licensed for
2 that purpose, or whose license has been suspended or revoked
3 or is inactive or non-renewed, or who violates any of the
4 provisions of this Act, for which no specific penalty has been
5 provided herein, is guilty of a Class A misdemeanor.

6 Any person who has been previously convicted under any of
7 the provisions of this Act and who subsequently violates any
8 of the provisions of this Act is guilty of a Class 4 felony. In
9 addition, whenever any person is punished as a subsequent
10 offender under this Section, the Secretary shall proceed to
11 obtain a permanent injunction against such person under
12 Section 37 of this Act. All fines collected under this Section
13 shall be deposited into ~~in~~ the General Professions Dedicated
14 ~~Professional Regulation Evidence~~ Fund.

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

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

18 (225 ILCS 60/60) (from Ch. 111, par. 4400-60)

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

20 Sec. 60. All such fines shall be deposited into ~~in~~ the
21 General Professions Dedicated ~~Professional Regulation Evidence~~
22 Fund.

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

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

3 (225 ILCS 63/123)

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

5 Sec. 123. Violation; penalty. Whoever knowingly practices
6 or offers to practice naprapathy in this State without being
7 licensed for that purpose shall be guilty of a Class A
8 misdemeanor and for each subsequent conviction shall be guilty
9 of a Class 4 felony. Notwithstanding any other provision of
10 this Act, all criminal fines, moneys, or other property
11 collected or received by the Department under this Section or
12 any other State or federal statute, including, but not limited
13 to, property forfeited to the Department under Section 505 of
14 the Illinois Controlled Substances Act or Section 85 of the
15 Methamphetamine Control and Community Protection Act, shall be
16 deposited into the General Professions Dedicated ~~Professional~~
17 ~~Regulation-Evidence~~ Fund.

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

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

21 (225 ILCS 65/70-75) (was 225 ILCS 65/20-75)

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

23 Sec. 70-75. Injunctive remedies.

1 (a) If any person violates the provision of this Act, the
2 Secretary may, in the name of the People of the State of
3 Illinois, through the Attorney General of the State of
4 Illinois, or the State's Attorney of any county in which the
5 action is brought, petition for an order enjoining such
6 violation or for an order enforcing compliance with this Act.
7 Upon the filing of a petition in court, the court may issue a
8 temporary restraining order, without notice or bond, and may
9 preliminarily and permanently enjoin such violation, and if it
10 is established that such person has violated or is violating
11 the injunction, the court may punish the offender for contempt
12 of court. Proceedings under this Section shall be in addition
13 to, and not in lieu of, all other remedies and penalties
14 provided by this Act.

15 (b) If any person shall practice as a nurse or hold herself
16 or himself out as a nurse without being licensed under the
17 provisions of this Act, then any licensed nurse, any
18 interested party, or any person injured thereby may, in
19 addition to the Secretary, petition for relief as provided in
20 subsection (a) of this Section.

21 (b-5) Whoever knowingly practices or offers to practice
22 nursing in this State without a license for that purpose shall
23 be guilty of a Class A misdemeanor and for each subsequent
24 conviction, shall be guilty of a Class 4 felony. All criminal
25 fines, moneys ~~monies~~, or other property collected or received
26 by the Department under this Section or any other State or

1 federal statute, including, but not limited to, property
2 forfeited to the Department under Section 505 of the Illinois
3 Controlled Substances Act or Section 85 of the Methamphetamine
4 Control and Community Protection Act, shall be deposited into
5 the General Professions Dedicated ~~Professional Regulation~~
6 ~~Evidence~~ Fund.

7 (c) Whenever in the opinion of the Department any person
8 violates any provision of this Act, the Department may issue a
9 rule to show cause why an order to cease and desist should not
10 be entered against him. The rule shall clearly set forth the
11 grounds relied upon by the Department and shall provide a
12 period of 7 days from the date of the rule to file an answer to
13 the satisfaction of the Department. Failure to answer to the
14 satisfaction of the Department shall cause an order to cease
15 and desist to be issued forthwith.

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

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

19 (225 ILCS 100/41) (from Ch. 111, par. 4841)

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

21 Sec. 41. Violations. Any person who is found to have
22 violated any provisions of this Act is guilty of a Class A
23 misdemeanor. All criminal fines, moneys ~~monies~~, or other
24 property collected or received by the Department under this

1 Section or any other State or federal statute, including, but
2 not limited to, property forfeited to the Department under
3 Section 505 of the Illinois Controlled Substances Act or
4 Section 85 of the Methamphetamine Control and Community
5 Protection Act, shall be deposited into the General
6 Professions Dedicated ~~Professional Regulation Evidence~~ Fund.

7 The Board, with the advice of the Secretary and attorneys
8 for the Department, may establish by rule a schedule of fines
9 payable by those who have violated any provisions of this Act.

10 Fines assessed and collected for violations of this Act
11 shall be deposited into ~~in~~ the Illinois State Podiatric
12 Medical Disciplinary Fund.

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

14 Section 5-145. The Veterinary Medicine and Surgery
15 Practice Act of 2004 is amended by changing Sections 25.16 and
16 25.18 as follows:

17 (225 ILCS 115/25.16) (from Ch. 111, par. 7025.16)

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

19 Sec. 25.16. Any person who is found to have violated any
20 provision of this Act is guilty of a Class A misdemeanor for
21 the first offense. On conviction of a second or subsequent
22 offense, the violator shall be guilty of a Class 4 felony. All
23 criminal fines, moneys ~~monies~~, or other property collected or
24 received by the Department under this Section or any other

1 State or federal statute, including, but not limited to,
2 property forfeited to the Department under Section 505 of the
3 Illinois Controlled Substances Act or Section 85 of the
4 Methamphetamine Control and Community Protection Act, shall be
5 deposited into the General Professions Dedicated ~~Professional~~
6 ~~Regulation Evidence~~ Fund.

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

8 (225 ILCS 115/25.18)

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

10 Sec. 25.18. Civil penalties for unlicensed practice.

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

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

22 (c) The civil penalty shall be paid within 60 days after
23 the effective date of the order imposing the civil penalty.
24 The order shall constitute a judgment and may be filed and
25 execution had thereon in the same manner as any judgment from

1 any court of record.

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

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

6 Section 5-150. The Wholesale Drug Distribution Licensing
7 Act is amended by changing Section 170 as follows:

8 (225 ILCS 120/170) (from Ch. 111, par. 8301-170)

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

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

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

23 Section 5-155. The Illinois Food, Drug and Cosmetic Act is

1 amended by changing Section 22.4 as follows:

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

3 Sec. 22.4. Food and Drug Safety Fund. There is created in
4 the State ~~treasury~~ ~~Treasury~~ a special fund to be known as the
5 Food and Drug Safety Fund. All subscription, fine, and permit
6 fees, certificate fees, and other moneys collected by the
7 Department of Public Health under this Act and, beginning July
8 1, 2027, the Safe Bottled Water Act shall be deposited into the
9 Fund. Subject to appropriation by the General Assembly, moneys
10 deposited into this Fund shall be made available to the
11 Department of Public Health to administer Department
12 activities related to food safety, drug safety, milk safety,
13 bottled water safety, or drug product selection. All interest
14 that accrues on the moneys in the Fund shall be deposited into
15 the Fund.

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

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

19 (410 ILCS 655/35)

20 Sec. 35. Safe Bottled Water Fund. The Safe Bottled Water
21 Fund is established as a special fund in the State treasury.
22 All moneys received by the Department under this Act shall be
23 deposited into the fund. Moneys in the fund shall be used by

1 the Department, upon appropriation, for the purpose of
2 administering this Act.

3 Notwithstanding any other provision of law, in addition to
4 any other transfers that may be provided by law, on July 1,
5 2027 or as soon thereafter as practical, the State Comptroller
6 shall direct and the State Treasurer shall transfer the
7 remaining balance from the Safe Bottled Water Fund into the
8 Food and Drug Safety Fund. Upon completion of the transfers,
9 the Safe Bottled Water Fund is dissolved, and any future
10 deposits due to that Fund and any outstanding obligations or
11 liabilities of that Fund pass to the Food and Drug Safety Fund.

12 This Section is repealed on January 1, 2028.

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

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

16 (515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

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

19 (a) Except as otherwise provided in this Section, for
20 sport fishing devices as defined in Section 10-95 or
21 spearing devices as defined in Section 10-110, the fee is
22 \$14.50 for individuals 16 to 64 years old, one-half of the
23 current fishing license fee for individuals age 65 or
24 older, and, commencing with the 2012 license year,

1 one-half of the current fishing license fee for resident
2 veterans of the United States Armed Forces after returning
3 from service abroad or mobilization by the President of
4 the United States as an active duty member of the United
5 States Armed Forces, the Illinois National Guard, or the
6 Reserves of the United States Armed Forces. Veterans must
7 provide to the Department acceptable verification of their
8 service. The Department shall establish by administrative
9 rule the procedure by which such verification of service
10 shall be made to the Department for the purpose of issuing
11 fishing licenses to resident veterans at a reduced fee.

12 (a-3) Except as otherwise provided in this Section,
13 for sport fishing devices as defined in Section 10-95 or
14 spearing devices as defined in Section 10-110, residents
15 of this State may obtain a 3-year fishing license. The fee
16 for a 3-year fishing license is 3 times the annual fee. For
17 residents age 65 or older, the fee is one half of the fee
18 charged for a 3-year fishing license. 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, the fee is one-half of the fee charged
22 for a 3-year fishing license. Veterans must provide to the
23 Department, per administrative rule, verification of their
24 service. The Department shall establish what constitutes
25 suitable verification of service for the purpose of
26 issuing 3-year fishing licenses to resident veterans at a

1 reduced fee.

2 (a-5) The fee for all sport fishing licenses shall be
3 \$1 for an annual license and 3 times the annual fee for a
4 3-year license for residents over 75 years of age.

5 (b) All residents before using any commercial fishing
6 device shall obtain a commercial fishing license, the fee
7 for which shall be \$600, and a resident fishing license,
8 the fee for which is \$14.50. Each and every commercial
9 device used shall be licensed by a resident commercial
10 fisherman as follows:

11 (1) For each 100 lineal yards, or fraction
12 thereof, of seine the fee is \$18. For each minnow
13 seine, minnow trap, or net for commercial purposes the
14 fee is \$20.

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

18 (3) When used in the waters of Lake Michigan, for
19 the first 2000 lineal feet, or fraction thereof, of
20 gill net the fee is \$10; and for each 1000 additional
21 lineal feet, or fraction thereof, the fee is \$10.
22 These fees shall apply to all gill nets in use in the
23 water or on drying reels on the shore.

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

26 (c) Residents of this State may obtain a sportsmen's

1 combination license that shall entitle the holder to the
2 same non-commercial fishing privileges as residents
3 holding a license as described in subsection (a) of this
4 Section and to the same hunting privileges as residents
5 holding a license to hunt all species as described in
6 Section 3.1 of the Wildlife Code. No sportsmen's
7 combination license shall be issued to any individual who
8 would be ineligible for either the fishing or hunting
9 license separately. The sportsmen's combination license
10 fee shall be \$25.50. For residents age 65 or older, the fee
11 is one-half of the fee charged for a sportsmen's
12 combination license. For resident veterans of the United
13 States Armed Forces after returning from service abroad or
14 mobilization by the President of the United States as an
15 active duty member of the United States Armed Forces, the
16 Illinois National Guard, or the Reserves of the United
17 States Armed Forces, the fee, commencing with the 2012
18 license year, is one-half of the fee charged for a
19 sportsmen's combination license. Veterans must provide to
20 the Department acceptable verification of their service.
21 The Department shall establish by administrative rule the
22 procedure by which such verification of service shall be
23 made to the Department for the purpose of issuing
24 sportsmen's combination licenses to resident veterans at a
25 reduced fee.

26 (c-5) Residents of this State may obtain a 3-year

1 sportsmen's combination license that shall entitle the
2 holder to the same non-commercial fishing privileges as
3 residents holding a license as described in subsection
4 (a-3) and to the same hunting privileges as residents
5 holding a license to hunt all species as described in
6 Section 3.1 of the Wildlife Code. A 3-year sportsmen's
7 combination license shall not be issued to any individual
8 who would be ineligible for either the fishing or hunting
9 license separately. The 3-year sportsmen's combination
10 license fee shall be 3 times the annual fee. For residents
11 age 65 or older, the fee is one-half of the fee charged for
12 a 3-year sportsmen's combination license. For resident
13 veterans of the United States Armed Forces after returning
14 from service abroad or mobilization by the President of
15 the United States, the fee is one-half of the fee charged
16 for a 3-year sportsmen's combination license. Veterans
17 must provide to the Department, per administrative rule,
18 verification of their service. The Department shall
19 establish what constitutes suitable verification of
20 service for the purpose of issuing 3-year sportsmen's
21 combination licenses to resident veterans at a reduced
22 fee.

23 (d) For 24 hours of fishing by sport fishing devices
24 as defined in Section 10-95 or by spearing devices as
25 defined in Section 10-110 the fee is \$5. This license does
26 not exempt the licensee from the requirement for a salmon

1 or inland trout stamp. The licenses provided for by this
2 subsection are not required for residents of the State of
3 Illinois who have obtained the license provided for in
4 subsection (a) or (a-3) of this Section.

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

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

24 (1) Lifetime fishing: 30 x the current fishing
25 license fee.

26 (2) Lifetime hunting: 30 x the current hunting

1 license fee.

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

4 Lifetime licenses shall not be refundable. A \$10 fee shall
5 be charged for reissuing any lifetime license. The Department
6 may establish rules and regulations for the issuance and use
7 of lifetime licenses and may suspend or revoke any lifetime
8 license issued under this Section for violations of those
9 rules or regulations or other provisions under this Code or
10 the Wildlife Code, or a violation of the United States Code
11 that involves the taking, possessing, killing, harvesting,
12 transportation, selling, exporting, or importing any fish or
13 aquatic life protected by this Code or the taking, possessing,
14 killing, harvesting, transportation, selling, exporting, or
15 importing any fauna protected by the Wildlife Code when any
16 part of the United States Code violation occurred in Illinois.
17 Individuals under 16 years of age who possess a lifetime
18 hunting or sportsmen's combination license shall have in their
19 possession, while in the field, a certificate of competency as
20 required under Section 3.2 of the Wildlife Code. Any lifetime
21 license issued under this Section shall not exempt individuals
22 from obtaining additional stamps or permits required under the
23 provisions of this Code or the Wildlife Code. Individuals
24 required to purchase additional stamps shall sign the stamps
25 and have them in their possession while fishing or hunting
26 with a lifetime license. All fees received from the issuance

1 of lifetime licenses shall be deposited into ~~in~~ the Wildlife
2 and Fish and Wildlife Endowment Fund.

3 Except for licenses issued under subsection (e) of this
4 Section, all licenses provided for in this Section shall
5 expire on March 31 of each year, except that the license
6 provided for in subsection (d) of this Section shall expire 24
7 hours after the effective date and time listed on the face of
8 the license. Licenses issued under subsection (a-3) or (c-5)
9 shall expire on March 31 of the 2nd year after the year in
10 which the license is issued.

11 The Department shall by administrative rule provide for
12 the automatic renewal of a fishing license upon the request of
13 the applicant.

14 All individuals required to have and failing to have the
15 license provided for in subsection (a), (a-3), or (d) of this
16 Section shall be fined according to the provisions of Section
17 20-35 of this Code.

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

21 (g) For the purposes of this Section, "acceptable
22 verification" means official documentation from the Department
23 of Defense or the appropriate Major Command showing
24 mobilization dates or service abroad dates, including: (i) a
25 DD-214, (ii) a letter from the Illinois Department of Military
26 Affairs for members of the Illinois National Guard, (iii) a

1 letter from the Regional Reserve Command for members of the
2 Armed Forces Reserve, (iv) a letter from the Major Command
3 covering Illinois for active duty members, (v) personnel
4 records for mobilized State employees, and (vi) any other
5 documentation that the Department, by administrative rule,
6 deems acceptable to establish dates of mobilization or service
7 abroad.

8 For the purposes of this Section, the term "service
9 abroad" means active duty service outside of the 50 United
10 States and the District of Columbia, and includes all active
11 duty service in territories and possessions of the United
12 States.

13 (Source: P.A. 102-780, eff. 5-13-22; 102-837, eff. 5-13-22;
14 103-154, eff. 6-30-23; 103-456, eff. 1-1-24; revised 7-3-25.)

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

17 (605 ILCS 125/20)

18 Sec. 20. DUI memorial markers.

19 (a) A DUI memorial marker erected before July 1, 2021
20 shall consist of a white on blue panel bearing the message
21 "Please Don't Drink and Drive". A DUI memorial marker erected
22 on or after July 1, 2021 shall consist of a white on blue panel
23 bearing the message "Don't Drive Under the Influence". At the
24 request of the qualified relative, a separate panel bearing

1 the words "In Memory of (victim's name)", followed by the date
2 of the crash that was the proximate cause of the loss of the
3 victim's life, shall be mounted below the primary panel.
4 Public Act 102-60 ~~This amendatory Act of the 102nd General~~
5 ~~Assembly~~ does not require the removal or replacement of any
6 memorial markers erected before July 1, 2021.

7 (b) A DUI memorial marker may memorialize more than one
8 victim who died as a result of the same DUI-related crash. If
9 one or more additional DUI crash deaths subsequently occur in
10 close proximity to an existing DUI memorial marker, the
11 supporting jurisdiction may use the same marker to memorialize
12 the subsequent death or deaths, by adding the names of the
13 additional persons.

14 (c) A DUI memorial marker shall be maintained for at least
15 4 years from the date the last person was memorialized on the
16 marker.

17 (d) The supporting jurisdiction has the right to install a
18 marker at a location other than the location of the crash or to
19 relocate a marker due to restricted room, property owner
20 complaints, interference with essential traffic control
21 devices, safety concerns, or other restrictions. In such
22 cases, the sponsoring jurisdiction may select an alternate
23 location.

24 (e) The Department shall secure the consent of any
25 municipality before placing a DUI memorial marker within the
26 corporate limits of the municipality.

1 (f) A fee in an amount to be determined by the supporting
2 jurisdiction ~~may be paid in whole or in part from the Roadside~~
3 ~~Memorial Fund if moneys are made available by the Department~~
4 ~~of Transportation from that Fund or~~ may be charged to the
5 qualified relative ~~to the extent moneys from that Fund are not~~
6 ~~made available~~. The fee shall not exceed the costs associated
7 with the fabrication, installation, and maintenance of the DUI
8 memorial marker.

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

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

12 (620 ILCS 5/78) (from Ch. 15 1/2, par. 22.78)

13 Sec. 78. Aeronautics Fund. All moneys hereafter received
14 by this State, or by the Department for and on its behalf,
15 under any of the laws of this State pertaining to aeronautics,
16 including, without limiting the generality of the foregoing,
17 all moneys obtained for certificates, permits or licenses,
18 except those funds which are held by the State Treasurer as
19 ex-officio custodian under the provisions of Section 40, shall
20 be deposited into ~~in~~ the State treasury and set apart as a
21 special fund to be known as the Aeronautics Fund. The
22 Aeronautics Fund shall be used, subject to appropriations made
23 from time to time, only for such purposes as may be specified
24 under the laws, if any, of the United States, heretofore or

1 hereafter enacted or amended, providing for federal aid in the
2 establishment of public airports, and otherwise only for the
3 regulation and supervision of aeronautics in this State, and
4 the administration and enforcement of the laws of this State
5 pertaining to aeronautics. Beginning in State fiscal year
6 2028, subject to appropriation, the Aeronautics Fund may also
7 be used for equipment, personnel, operational expenses and
8 such other expenses incident to providing air transportation
9 for officers, departments or agencies of the State government.

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

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

13 (625 ILCS 5/3-679)

14 Sec. 3-679. Law Enforcement Torch Run For Special Olympics
15 license plates.

16 (a) The Secretary, upon receipt of an application made in
17 the form prescribed by the Secretary of State, may issue
18 special registration plates designated to be Law Enforcement
19 Torch Run For Special Olympics license plates. The special
20 plates issued under this Section shall be affixed only to
21 passenger vehicles of the first division, motorcycles,
22 autocycles, motor vehicles of the second division weighing not
23 more than 8,000 pounds, and recreational vehicles as defined
24 by Section 1-169 of this Code. Plates issued under this

1 Section shall expire according to the multi-year procedure
2 established by Section 3-414.1 of this Code.

3 (b) The design and color of the plates shall be wholly
4 within the discretion of the Secretary of State. Appropriate
5 documentation, as determined by the Secretary, shall accompany
6 the application. The Secretary may, in his or her discretion,
7 allow the plates to be issued as vanity or personalized plates
8 in accordance with Section 3-405.1 of this Code.

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

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

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

23 (625 ILCS 35/6) (from Ch. 95 1/2, par. 806)

24 Sec. 6. To finance the Cycle Rider Safety Training program

1 and to pay the costs thereof, the Secretary of State shall ~~will~~
2 hereafter deposit amounts ~~with the State Treasurer an amount~~
3 ~~equal to each annual fee and each reduced fee, for the~~
4 ~~registration of each motorcycle, motor driven cycle and moped~~
5 ~~processed by the Office of the Secretary of State during the~~
6 ~~preceding quarter~~ as required in subsection (d) of Section
7 2-119 of the Illinois Vehicle Code and subsection (c) of
8 Section 6-118 of the Illinois Vehicle Code into, ~~which amount~~
9 ~~the State Comptroller shall transfer quarterly to~~ a trust fund
10 outside of the State treasury to be known as the Cycle Rider
11 Safety Training Fund, which is hereby created. In addition,
12 the Department may accept any federal, State, or private
13 moneys for deposit into the Fund and shall be used by the
14 Department only for the expenses of the Department in
15 administering the provisions of this Act, for funding of
16 contracts with approved Regional Cycle Rider Safety Training
17 Centers for the conduct of courses, or for any purpose related
18 or incident thereto and connected therewith.

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

20 (625 ILCS 35/7) (from Ch. 95 1/2, par. 807)

21 Sec. 7. The Department is authorized to and shall award
22 contracts out of appropriations to the Department from the
23 ~~"The Cycle Rider Safety Training Fund"~~ to qualifying providers
24 for the conduct of approved Cycle Rider Safety Training
25 courses.

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

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

4 (625 ILCS 70/20)

5 Sec. 20. DUI Prevention and Education Fund; transfer of
6 funds.

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

15 (b) As soon as practical after January 1, 2020 (the
16 effective date of Public Act 101-196) ~~this Act~~, the State
17 Comptroller shall direct and the State Treasurer shall
18 transfer any remaining balance in excess of \$30,000 from the
19 Roadside Memorial Fund to the DUI Prevention and Education
20 Fund. Starting in 2021 and continuing through 2025 ~~every year~~
21 ~~after~~, the cash balance in the Roadside Memorial Fund on June
22 30 shall be transferred to the DUI Prevention and Education
23 Fund as soon as practical. On the effective date of the changes
24 made to this Section by this amendatory Act of the 104th

1 General Assembly or as soon thereafter as practical, the State
2 Comptroller shall direct and the State Treasurer shall
3 transfer the remaining balance from the Roadside Memorial Fund
4 into the DUI Prevention and Education Fund. Upon completion of
5 the transfer, the Roadside Memorial Fund is dissolved, and any
6 future deposits due to that Fund and any outstanding
7 obligations or liabilities of that Fund shall pass to the DUI
8 Prevention and Education Fund.

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

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

12 (730 ILCS 5/5-9-1.7)

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

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

16 (1) "Sexual assault" means the commission or attempted
17 commission of the following: sexual exploitation of a
18 child, criminal sexual assault, predatory criminal sexual
19 assault of a child, aggravated criminal sexual assault,
20 criminal sexual abuse, aggravated criminal sexual abuse,
21 indecent solicitation of a child, public indecency, sexual
22 relations within families, promoting commercial sexual
23 exploitation of a child, soliciting for a sexually
24 exploited child, keeping a place of commercial sexual

1 exploitation of a child, patronizing a sexually exploited
2 child, juvenile pimping, exploitation of a child,
3 obscenity, child sexual abuse material, aggravated child
4 pornography, harmful material, or ritualized abuse of a
5 child, as those offenses are defined in the Criminal Code
6 of 1961 or the Criminal Code of 2012.

7 (2) (Blank).

8 (3) "Sexual assault organization" means any
9 not-for-profit organization providing comprehensive,
10 community-based services to victims of sexual assault.
11 "Community-based services" include, but are not limited
12 to, direct crisis intervention through a 24-hour response,
13 medical and legal advocacy, counseling, information and
14 referral services, training, and community education.

15 (b) (Blank).

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

23 (Source: P.A. 103-1071, eff. 7-1-25; 104-2, eff. 6-16-25;
24 104-245, eff. 1-1-26; revised 11-21-25.)

25 (730 ILCS 5/5-9-1.22)

1 Sec. 5-9-1.22. Fee; DUI Prevention and Education ~~Roadside~~
2 ~~Memorial~~ Fund. A person who is convicted or receives a
3 disposition of court supervision for a violation of Section
4 11-501 of the Illinois Vehicle Code shall, in addition to any
5 other disposition, penalty, or fine imposed, pay a fee of \$50
6 which shall be collected by the clerk of the court and then
7 remitted to the State Treasurer for deposit into the DUI
8 Prevention and Education Fund ~~Roadside Memorial Fund, a~~
9 ~~special fund that is created in the State treasury~~. However,
10 the court may waive the fee if full restitution is complied
11 with. ~~Subject to appropriation, all moneys in the Roadside~~
12 ~~Memorial Fund shall be used by the Department of~~
13 ~~Transportation to pay fees imposed under subsection (f) of~~
14 ~~Section 20 of the Roadside Memorial Act.~~

15 Prior to the changes made by this amendatory Act of the
16 104th General Assembly, this ~~This~~ Section is substantially the
17 same as Section 5-9-1.18 of the Unified Code of Corrections,
18 which Section was repealed by Public Act 100-987, and shall be
19 construed as a continuation of the fee established by that
20 prior law, and not as a new or different fee.

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

22 (765 ILCS 77/80 rep.)

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

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

3 (820 ILCS 130/2)

4 Sec. 2. This Act applies to the wages of laborers,
5 mechanics, and other workers employed in any public works, as
6 hereinafter defined, by any public body and to anyone under
7 contracts for public works. This includes any maintenance,
8 repair, assembly, or disassembly work performed on equipment
9 whether owned, leased, or rented.

10 As used in this Act, unless the context indicates
11 otherwise:

12 "Public works" means all fixed works constructed or
13 demolished by any public body, or paid for wholly or in part
14 out of public funds. "Public works" as defined herein includes
15 all projects financed in whole or in part with bonds, grants,
16 loans, or other funds made available by or through the State or
17 any of its political subdivisions, including, but not limited
18 to: bonds issued under the Industrial Project Revenue Bond Act
19 (Article 11, Division 74 of the Illinois Municipal Code), the
20 Industrial Building Revenue Bond Act, the Illinois Finance
21 Authority Act, the Illinois Sports Facilities Authority Act,
22 or the Build Illinois Bond Act; loans or other funds made
23 available pursuant to the Build Illinois Act; ~~loans or other~~
24 ~~funds made available pursuant to the Riverfront Development~~
25 ~~Fund under Section 10-15 of the River Edge Redevelopment Zone~~

1 ~~Act,~~ or funds from the Fund for Illinois' Future under Section
2 6z-47 of the State Finance Act, funds for school construction
3 under Section 5 of the General Obligation Bond Act, funds
4 authorized under Section 3 of the School Construction Bond
5 Act, funds for school infrastructure under Section 6z-45 of
6 the State Finance Act, and funds for transportation purposes
7 under Section 4 of the General Obligation Bond Act. "Public
8 works" also includes all federal construction projects
9 administered or controlled by a public body if the prevailing
10 rate of wages is equal to or greater than the prevailing wage
11 determination by the United States Secretary of Labor for the
12 same locality for the same type of construction used to
13 classify the federal construction project. "Public works" also
14 includes (i) all projects financed in whole or in part with
15 funds from the Environmental Protection Agency under the
16 Illinois Renewable Fuels Development Program Act for which
17 there is no project labor agreement; (ii) all work performed
18 pursuant to a public private agreement under the Public
19 Private Agreements for the Illiana Expressway Act or the
20 Public-Private Agreements for the South Suburban Airport Act;
21 (iii) all projects undertaken under a public-private agreement
22 under the Public-Private Partnerships for Transportation Act
23 or the Department of Natural Resources World Shooting and
24 Recreational Complex Act; and (iv) all transportation
25 facilities undertaken under a design-build contract or a
26 Construction Manager/General Contractor contract under the

1 Innovations for Transportation Infrastructure Act. "Public
2 works" also includes all projects at leased facility property
3 used for airport purposes under Section 35 of the Local
4 Government Facility Lease Act. "Public works" also includes
5 the construction of a new wind power facility by a business
6 designated as a High Impact Business under Section
7 5.5(a)(3)(E) of the Illinois Enterprise Zone Act, the
8 construction of a new utility-scale solar power facility by a
9 business designated as a High Impact Business under Section
10 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act, the
11 construction of a new battery energy storage solution facility
12 by a business designated as a High Impact Business under
13 Section 5.5(a)(3)(I) of the Illinois Enterprise Zone Act, and
14 the construction of a high voltage direct current converter
15 station by a business designated as a High Impact Business
16 under Section 5.5(a)(3)(J) of the Illinois Enterprise Zone
17 Act. "Public works" also includes electric vehicle charging
18 station projects financed pursuant to the Electric Vehicle Act
19 and renewable energy projects required to pay the prevailing
20 wage pursuant to the Illinois Power Agency Act. "Public works"
21 also includes power washing projects by a public body or paid
22 for wholly or in part out of public funds in which steam or
23 pressurized water, with or without added abrasives or
24 chemicals, is used to remove paint or other coatings, oils or
25 grease, corrosion, or debris from a surface or to prepare a
26 surface for a coating. "Public works" also includes all

1 electric transmission systems projects subject to the Electric
2 Transmission Systems Construction Standards Act. "Public
3 works" does not include work done directly by any public
4 utility company, whether or not done under public supervision
5 or direction, or paid for wholly or in part out of public
6 funds. "Public works" also includes construction projects
7 performed by a third party contracted by any public utility,
8 as described in subsection (a) of Section 2.1, in public
9 rights-of-way, as defined in Section 21-201 of the Public
10 Utilities Act, whether or not done under public supervision or
11 direction, or paid for wholly or in part out of public funds.
12 "Public works" also includes construction projects that exceed
13 15 aggregate miles of new fiber optic cable, performed by a
14 third party contracted by any public utility, as described in
15 subsection (b) of Section 2.1, in public rights-of-way, as
16 defined in Section 21-201 of the Public Utilities Act, whether
17 or not done under public supervision or direction, or paid for
18 wholly or in part out of public funds. "Public works" also
19 includes any corrective action performed pursuant to Title XVI
20 of the Environmental Protection Act for which payment from the
21 Underground Storage Tank Fund is requested. "Public works"
22 also includes all construction projects involving fixtures or
23 permanent attachments affixed to light poles that are owned by
24 a public body, including street light poles, traffic light
25 poles, and other lighting fixtures, whether or not done under
26 public supervision or direction, or paid for wholly or in part

1 out of public funds, unless the project is performed by
2 employees employed directly by the public body. "Public works"
3 also includes work performed subject to the Mechanical
4 Insulation Energy and Safety Assessment Act. "Public works"
5 also includes the removal, hauling, and transportation of
6 biosolids, lime sludge, and lime residue from a water
7 treatment plant or facility and the disposal of biosolids,
8 lime sludge, and lime residue removed from a water treatment
9 plant or facility at a landfill. "Public works" also includes
10 sewer inspection projects that use a closed-circuit television
11 to identify issues in a sewer system, such as cracks in pipes,
12 root intrusion, blockages, or other structural damage. "Public
13 works" does not include projects undertaken by the owner at an
14 owner-occupied single-family residence or at an owner-occupied
15 unit of a multi-family residence. "Public works" does not
16 include work performed for soil and water conservation
17 purposes on agricultural lands, whether or not done under
18 public supervision or paid for wholly or in part out of public
19 funds, done directly by an owner or person who has legal
20 control of those lands.

21 "Construction" means all work on public works involving
22 laborers, workers or mechanics. This includes any maintenance,
23 repair, assembly, or disassembly work performed on equipment
24 whether owned, leased, or rented.

25 "Locality" means the county where the physical work upon
26 public works is performed, except (1) that if there is not

1 available in the county a sufficient number of competent
2 skilled laborers, workers and mechanics to construct the
3 public works efficiently and properly, "locality" includes any
4 other county nearest the one in which the work or construction
5 is to be performed and from which such persons may be obtained
6 in sufficient numbers to perform the work and (2) that, with
7 respect to contracts for highway work with the Department of
8 Transportation of this State, "locality" may at the discretion
9 of the Secretary of the Department of Transportation be
10 construed to include two or more adjacent counties from which
11 workers may be accessible for work on such construction.

12 "Public body" means the State or any officer, board or
13 commission of the State or any political subdivision or
14 department thereof, or any institution supported in whole or
15 in part by public funds, and includes every county, city,
16 town, village, township, school district, irrigation, utility,
17 reclamation improvement or other district and every other
18 political subdivision, district or municipality of the state
19 whether such political subdivision, municipality or district
20 operates under a special charter or not.

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

24 The terms "general prevailing rate of hourly wages",
25 "general prevailing rate of wages" or "prevailing rate of
26 wages" when used in this Act mean the hourly cash wages plus

1 full journeyman annualized fringe benefits for training and
2 apprenticeship programs registered with the Office of
3 Apprenticeship within the U.S. Department of Labor's
4 Employment and Training Administration with full journeymen
5 annualized fringe benefits for health and welfare, insurance,
6 vacations, and pensions paid generally, in the locality in
7 which the work is being performed, to employees engaged in
8 work of a similar character on public works.

9 (Source: P.A. 103-8, eff. 6-7-23; 103-327, eff. 1-1-24;
10 103-346, eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff.
11 8-4-23; 103-605, eff. 7-1-24; 103-1066, eff. 2-20-25; 104-17,
12 eff. 7-1-26 (see Section 35-5 of P.A. 104-434 for effective
13 date of P.A. 104-17); 104-23, eff. 6-30-25; 104-160, eff.
14 8-14-25; revised 12-2-25.)

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

17 (820 ILCS 157/20)

18 (This Section may contain text from a Public Act with a
19 delayed effective date)

20 Sec. 20. Department responsibilities.

21 (a) The Department shall administer and enforce this Act
22 and adopt rules under the Illinois Administrative Procedure
23 Act for the purpose of this Act. The Department shall have the
24 powers and the parties shall have the rights provided in the

1 Illinois Administrative Procedure Act for contested cases. The
2 Department shall have the power to conduct investigations in
3 connection with the administration and enforcement of this
4 Act, including the power to conduct depositions and discovery
5 and to issue subpoenas. If the Department finds cause to
6 believe that this Act has been violated, the Department shall
7 notify the parties in writing and the matter shall be referred
8 to an administrative law judge to schedule a formal hearing in
9 accordance with hearing procedures established by rule.

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

26 (c) The Attorney General may bring an action to enforce

1 the collection of any civil penalty imposed under this Act.

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

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

5 (820 ILCS 185/50)

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

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

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

4 (820 ILCS 192/35)

5 Sec. 35. Penalties and enforcement. An employer that
6 violates this Act or any rule adopted under this Act shall be
7 subject to a civil penalty of \$2,500 for each separate
8 offense. An offense means any violation of this Act with the
9 exception of a violation of the notice requirement in
10 subsection (c) of Section 20. Any penalties collected from an
11 employer under this Section or under subsection (d) of Section
12 20 for violations of this Act shall be deposited into the Paid
13 Leave for All Workers Fund, a special fund created in the State
14 treasury that is dedicated to enforcing this Act and the
15 Family Neonatal Intensive Care Leave Act.

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

17 Article 10.

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

19 (1) Illinois law recognizes that individuals with
20 disabilities should have self-determination and retain the
21 right to make decisions about their own lives and care to the
22 maximum extent possible.

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

5 (3) Fifty years ago, the Governor's Commission for
6 Revision of the Mental Health Code of Illinois released its
7 report recommending revisions to the civil and criminal laws
8 that advance the rights and interests of persons with
9 disabilities. The report reflected the work of 36 Commission
10 members, 47 advisory members, consultants, and staff, engaged
11 in a process that presented a democratic forum that welded
12 together the input of many dedicated people into a cohesive
13 whole.

14 (4) In 1979, the General Assembly used the recommendations
15 to address the far-reaching and comprehensive need for
16 statutory reform that would reflect the historical and
17 continued progress in the capacity of our people to rise above
18 prejudice, superstition, and irrational fears, enabling
19 persons with disabilities to participate more fully in the
20 total life of our society.

21 (5) Part of the reform was the establishment of the
22 Guardianship and Advocacy Commission, which since then has
23 served as a national leader in protecting the rights and
24 advancing the rights and interests of persons with
25 disabilities.

26 (6) Today, the Guardianship and Advocacy Commission

1 provides critical services to some of the most vulnerable
2 residents of this State in accordance with statutory mandates
3 that are unmatched by any other single agency in the United
4 States, including:

5 (A) serving as court-appointed guardian for nearly
6 5,000 adults with disabilities when no other suitable
7 person is available;

8 (B) providing constitutionally mandated, direct legal
9 representation in more than 7,000 involuntary mental
10 health and developmental disability proceedings annually;
11 and

12 (C) investigating allegations of disability rights
13 violations by public and private disability service
14 providers.

15 (7) Continued demographic pressures, including the aging
16 population of this State and the deepening understanding that
17 persons with disabilities are entitled to full human rights
18 and equal participation in society, require modernization of
19 the Guardianship and Advocacy Commission to respond to the
20 increasing need for its services and the evolving recognition
21 and affirmation of the inherent dignity, right, and societal
22 value of persons with disabilities.

23 Section 10-3. Purpose. It is the purpose of this Act to
24 support the modernization of the Guardianship and Advocacy
25 Commission by establishing the Department of Disability

1 Advocacy and Guardianship as the successor agency to the
2 Guardianship and Advocacy Commission. The Department of
3 Disability Advocacy and Guardianship will maintain and
4 strengthen this State's commitment to protecting and advancing
5 the rights of persons with disabilities by retaining the core
6 statutory duties, authorities, and functions assigned to the
7 Guardianship and Advocacy Commission while adopting a
8 governance structure that balances direct accountability with
9 the independence necessary for effective advocacy.

10 Section 10-5. The State Budget Law of the Civil
11 Administrative Code of Illinois is amended by changing Section
12 50-28 as follows:

13 (15 ILCS 20/50-28)

14 Sec. 50-28. Youth Budget Commission.

15 (a) As used in this Section:

16 "Adolescent" or "youth" means a person between the ages of
17 8 and 25 years.

18 "Commission" means the Youth Budget Commission established
19 under this Section.

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

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

24 (2) Treatment/intervention: respond to significant

1 challenges in need of direct intervention to change,
2 resolve or reverse behaviors, conditions, or both.

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

6 (4) Positive Youth Development: build individual
7 assets and increase competencies.

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

11 (1) Stable: meeting the needs of the most vulnerable;
12 increasing individual and family stability and
13 self-sufficiency.

14 (2) Safe: creating safer communities.

15 (3) Healthy: improving the overall health of
16 Illinoisans.

17 (4) Educated: improving school readiness and student
18 success for all.

19 (5) Employable: increasing employment and attracting,
20 retaining and growing businesses.

21 (6) Connected: strengthening cultural and
22 environmental vitality.

23 (b) Subject to appropriation, the Governor shall establish
24 the Youth Budget Commission with the goal of producing an
25 annual fiscal scan. The fiscal scan, under the direction of
26 the Commission, shall be used to advise the Governor and

1 General Assembly, as well as State agencies, on ways to
2 improve and expand existing policies, services, programs, and
3 opportunities for adolescents. The Governor's Office of
4 Management and Budget shall post a link to the fiscal scan on
5 its website. For fiscal year 2019 and each fiscal year
6 thereafter, the Commission established under this Section,
7 shall complete an analysis of enacted State budget items which
8 directly impact adolescents. This analysis will categorize
9 budget items by the 6 identified youth developmental goals and
10 4 service models. The analysis will include State agency
11 expenditures associated with these categories. General State
12 Aid and federal funds such as Medicaid will be excluded from
13 the analysis.

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

25 (c) The Commission shall collaborate with State agencies,
26 including the Illinois State Board of Education, the

1 Department of Human Services, the Department of Children and
2 Family Services, the Department of Commerce and Economic
3 Opportunity, the Illinois Student Assistance Commission, the
4 Department of Healthcare and Family Services, the Department
5 of Public Health, the Illinois Community College Board, the
6 Department of Juvenile Justice, the Illinois Criminal Justice
7 Information Authority, the Department of Military Affairs, the
8 Illinois Arts Council, the Department of Corrections, the
9 Board of Higher Education, Department of Disability Advocacy
10 and Illinois Guardianship and Advocacy Commission, Department
11 on Aging, and others.

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

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

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

25 (3) at least one member representing an organization
26 that has expertise in the needs of youth who are

1 immigrants or are children of immigrants;

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

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

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

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

14 Commission members shall reflect regional representation
15 to ensure that the needs of adolescents throughout the State
16 of Illinois are met. Members will serve without compensation,
17 but shall be reimbursed for Commission-related expenses. Of
18 the initial members appointed under this Section: 5 members
19 shall serve for a 3-year term; 5 members shall serve for a
20 4-year term; and 5 members shall serve for a 5-year term. Their
21 successors shall serve for 5-year terms.

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

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

25 Section 10-10. The Youth Homelessness Prevention

1 Subcommittee Act is amended by changing Section 20 as follows:

2 (15 ILCS 60/20)

3 Sec. 20. Membership. The Youth Homelessness Prevention
4 Subcommittee shall include the following members:

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

6 (2) The Director of the Department of Children and
7 Family Services.

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

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

11 (5) The Director of the Department of Juvenile
12 Justice.

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

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

15 (8) The Director of the Department of Disability
16 Advocacy and Guardianship ~~and Advocacy Commission~~.

17 (9) Four representatives from agencies serving
18 homeless youth.

19 (10) One representative from a homeless advocacy
20 organization.

21 (11) One representative from a juvenile justice
22 advocacy organization.

23 (12) Four youth who have a lived experience with
24 homelessness.

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

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

4 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

5 Sec. 5-15. Departments of State government. The
6 Departments of State government are created as follows:

7 The Department on Aging.

8 The Department of Agriculture.

9 The Department of Central Management Services.

10 The Department of Children and Family Services.

11 The Department of Commerce and Economic Opportunity.

12 The Department of Corrections.

13 The Department of Disability Advocacy and
14 Guardianship.

15 The Department of Early Childhood.

16 The Department of Employment Security.

17 The Illinois Emergency Management Agency.

18 The Department of Financial and Professional
19 Regulation.

20 The Department of Healthcare and Family Services.

21 The Department of Human Rights.

22 The Department of Human Services.

23 The Department of Innovation and Technology.

24 The Department of Insurance.

1 The Department of Juvenile Justice.

2 The Department of Labor.

3 The Department of the Lottery.

4 The Department of Natural Resources.

5 The Department of Public Health.

6 The Department of Revenue.

7 The Illinois State Police.

8 The Department of Transportation.

9 The Department of Veterans Affairs.

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

11 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

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

18 The following officers are hereby created:

19 Director of Aging, for the Department on Aging.

20 Director of Agriculture, for the Department of
21 Agriculture.

22 Director of Central Management Services, for the
23 Department of Central Management Services.

24 Director of Children and Family Services, for the
25 Department of Children and Family Services.

1 Director of Commerce and Economic Opportunity, for the
2 Department of Commerce and Economic Opportunity.

3 Director of Corrections, for the Department of
4 Corrections.

5 Director of Disability Advocacy and Guardianship, for
6 the Department of Disability Advocacy and Guardianship.

7 Director of the Illinois Emergency Management Agency,
8 for the Illinois Emergency Management Agency.

9 Secretary of Early Childhood, for the Department of
10 Early Childhood.

11 Director of Employment Security, for the Department of
12 Employment Security.

13 Secretary of Financial and Professional Regulation,
14 for the Department of Financial and Professional
15 Regulation.

16 Director of Healthcare and Family Services, for the
17 Department of Healthcare and Family Services.

18 Director of Human Rights, for the Department of Human
19 Rights.

20 Secretary of Human Services, for the Department of
21 Human Services.

22 Secretary of Innovation and Technology, for the
23 Department of Innovation and Technology.

24 Director of Insurance, for the Department of
25 Insurance.

26 Director of Juvenile Justice, for the Department of

1 Juvenile Justice.

2 Director of Labor, for the Department of Labor.

3 Director of the Lottery, for the Department of the
4 Lottery.

5 Director of Natural Resources, for the Department of
6 Natural Resources.

7 Director of Public Health, for the Department of
8 Public Health.

9 Director of Revenue, for the Department of Revenue.

10 Director of the Illinois State Police, for the
11 Illinois State Police.

12 Secretary of Transportation, for the Department of
13 Transportation.

14 Director of Veterans Affairs, for the Department of
15 Veterans Affairs.

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

17 (20 ILCS 5/5-218 new)

18 Sec. 5-218. Director of Disability Advocacy and
19 Guardianship. The Director of Disability Advocacy and
20 Guardianship shall be a person thoroughly conversant with the
21 purposes of the Guardianship and Advocacy Act, actively
22 interested in the development of programs to advocate for
23 individuals with disabilities, and not affiliated with any
24 entity that provides services to individuals with
25 disabilities.

1 (20 ILCS 5/5-348 new)

2 Sec. 5-348. In the Department of Disability Advocacy and
3 Guardianship. For terms beginning on or after July 1, 2027,
4 the Director of Disability Advocacy and Guardianship shall
5 receive an annual salary of \$197,000 or as set by the Governor,
6 whichever is higher. On each July 1 thereafter, the Director
7 shall receive an increase in salary based on a cost-of-living
8 adjustment as authorized by Senate Joint Resolution 192 of the
9 86th General Assembly.

10 (20 ILCS 5/5-543 new)

11 Sec. 5-543. In the Department of Disability Advocacy and
12 Guardianship. A Disability Advocacy and Guardianship Advisory
13 Council composed and appointed as provided in the Guardianship
14 and Advocacy Act.

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

17 (20 ILCS 1370/1-5)

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

19 "Dedicated unit" means the dedicated bureau, division,
20 office, or other unit within a transferred agency that is
21 responsible for the information technology functions of the
22 transferred agency.

1 "Department" means the Department of Innovation and
2 Technology.

3 "Information technology" means technology,
4 infrastructure, equipment, systems, software, networks, and
5 processes used to create, send, receive, and store electronic
6 or digital information, including, without limitation,
7 computer systems and telecommunication services and systems.

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

11 "Information technology functions" means the development,
12 procurement, installation, retention, maintenance, operation,
13 possession, storage, and related functions of all information
14 technology.

15 "Secretary" means the Secretary of Innovation and
16 Technology.

17 "State agency" means each State agency, department, board,
18 and commission under the jurisdiction of the Governor to which
19 the Department provides services.

20 "Transferred agency" means the Department on Aging; the
21 Departments of Agriculture, Central Management Services,
22 Children and Family Services, Commerce and Economic
23 Opportunity, Corrections, Employment Security, Financial and
24 Professional Regulation, Healthcare and Family Services, Human
25 Rights, Human Services, Insurance, Juvenile Justice, Labor,
26 Lottery, Military Affairs, Natural Resources, Public Health,

1 Revenue, Transportation, and Veterans' Affairs; the Illinois
2 State Police; the Capital Development Board; the Deaf and Hard
3 of Hearing Commission; the Environmental Protection Agency;
4 the Governor's Office of Management and Budget; the Department
5 of Disability Advocacy and Guardianship and ~~Advocacy~~
6 ~~Commission~~; the Abraham Lincoln Presidential Library and
7 Museum; the Illinois Arts Council; the Illinois Council on
8 Developmental Disabilities; the Illinois Emergency Management
9 Agency; the Illinois Gaming Board; the Illinois Liquor Control
10 Commission; the Office of the State Fire Marshal; the Prisoner
11 Review Board; and the Department of Early Childhood.

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

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

16 (20 ILCS 1705/4.3) (from Ch. 91 1/2, par. 100-4.3)

17 Sec. 4.3. Site visits and inspections.

18 (a) (Blank).

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

23 (1) Determine facility compliance with Department
24 policies and procedures;

1 (2) Determine facility compliance with audit
2 recommendations;

3 (3) Evaluate facility compliance with applicable
4 federal standards;

5 (4) Review and follow up on complaints made by
6 community mental health agencies and advocates, and on
7 findings of the Division of Disability Human Rights and
8 Protections Authority ~~division~~ of the Department of
9 Disability Advocacy and Guardianship and Advocacy
10 ~~Commission~~;

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

13 (6) Identify and prevent abuse and neglect.

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

15 (20 ILCS 1705/14) (from Ch. 91 1/2, par. 100-14)

16 Sec. 14. Chester Mental Health Center. To maintain and
17 operate a facility for the care, custody, and treatment of
18 persons with mental illness or habilitation of persons with
19 developmental disabilities hereinafter designated, to be known
20 as the Chester Mental Health Center.

21 Within the Chester Mental Health Center there shall be
22 confined the following classes of persons, whose history, in
23 the opinion of the Department, discloses dangerous or violent
24 tendencies and who, upon examination under the direction of
25 the Department, have been found a fit subject for confinement

1 in that facility:

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

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

9 (c) Any male person with mental illness or
10 developmental disabilities or person in need of mental
11 treatment now confined under the supervision of the
12 Department or hereafter admitted to any facility thereof
13 or committed thereto by any court of competent
14 jurisdiction.

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

1 Developmental Disabilities Code.

2 The facility director of the Chester Mental Health Center
3 may authorize the temporary use of handcuffs on a recipient
4 for a period not to exceed 10 minutes when necessary in the
5 course of transport of the recipient within the facility to
6 maintain custody or security. Use of handcuffs is subject to
7 the provisions of Section 2-108 of the Mental Health and
8 Developmental Disabilities Code. The facility shall keep a
9 monthly record listing each instance in which handcuffs are
10 used, circumstances indicating the need for use of handcuffs,
11 and time of application of handcuffs and time of release
12 therefrom. The facility director shall allow the Department of
13 Disability Advocacy and ~~Illinois~~ Guardianship ~~and Advocacy~~
14 ~~Commission~~, the agency designated by the Governor under
15 Section 1 of the Protection and Advocacy for Persons with
16 Developmental Disabilities Act, and the Department to examine
17 and copy such record upon request.

18 The facility director of the Chester Mental Health Center
19 may authorize the temporary use of transport devices on a
20 civil recipient when necessary in the course of transport of
21 the civil recipient outside the facility to maintain custody
22 or security. The decision whether to use any transport devices
23 shall be reviewed and approved on an individualized basis by a
24 physician, an advanced practice registered nurse, or a
25 physician assistant based upon a determination of the civil
26 recipient's: (1) history of violence, (2) history of violence

1 during transports, (3) history of escapes and escape attempts,
2 (4) history of trauma, (5) history of incidents of restraint
3 or seclusion and use of involuntary medication, (6) current
4 functioning level and medical status, and (7) prior experience
5 during similar transports, and the length, duration, and
6 purpose of the transport. The least restrictive transport
7 device consistent with the individual's need shall be used.
8 Staff transporting the individual shall be trained in the use
9 of the transport devices, recognizing and responding to a
10 person in distress, and shall observe and monitor the
11 individual while being transported. The facility shall keep a
12 monthly record listing all transports, including those
13 transports for which use of transport devices was not sought,
14 those for which use of transport devices was sought but
15 denied, and each instance in which transport devices are used,
16 circumstances indicating the need for use of transport
17 devices, time of application of transport devices, time of
18 release from those devices, and any adverse events. The
19 facility director shall allow the Department of Disability
20 Advocacy and ~~Illinois~~ Guardianship ~~and Advocacy Commission~~,
21 the agency designated by the Governor under Section 1 of the
22 Protection and Advocacy for Persons with Developmental
23 Disabilities Act, and the Department to examine and copy the
24 record upon request. This use of transport devices shall not
25 be considered restraint as defined in the Mental Health and
26 Developmental Disabilities Code. For the purpose of this

1 Section "transport device" means ankle cuffs, handcuffs, waist
2 chains or wrist-waist devices designed to restrict an
3 individual's range of motion while being transported. These
4 devices must be approved by the Division of Mental Health,
5 used in accordance with the manufacturer's instructions, and
6 used only by qualified staff members who have completed all
7 training required to be eligible to transport patients and all
8 other required training relating to the safe use and
9 application of transport devices, including recognizing and
10 responding to signs of distress in an individual whose
11 movement is being restricted by a transport device.

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

21 Subject to the provisions of this Section, the Department,
22 except where otherwise provided by law, shall, with respect to
23 the management, conduct and control of the Chester Mental
24 Health Center and the discipline, custody and treatment of the
25 persons confined therein, have and exercise the same rights
26 and powers as are vested by law in the Department with respect

1 to any and all of the State facilities for treatment of persons
2 with mental illness or habilitation of persons with
3 developmental disabilities, and the recipients thereof, and
4 shall be subject to the same duties as are imposed by law upon
5 the Department with respect to such facilities and the
6 recipients thereof.

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

22 (Source: P.A. 99-143, eff. 7-27-15; 99-581, eff. 1-1-17;
23 100-513, eff. 1-1-18.)

24 Section 10-30. The Guardianship and Advocacy Act is
25 amended by changing the title of the Act and Sections 2, 3, 4,

1 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
2 23, 24, 25, 26, 27, 28, 30, 31, 32, 33.5, 34, and 36 as
3 follows:

4 (20 ILCS 3955/Act title)

5 An Act concerning the Department of Disability Advocacy
6 and Guardianship, created to safeguard the rights of and
7 advocate for persons with disabilities ~~to create the~~
8 ~~Guardianship and Advocacy Commission, to safeguard the rights~~
9 ~~and to provide legal counsel and representation for eligible~~
10 ~~persons and to create the Office of State Guardian for persons~~
11 ~~with disabilities.~~

12 (20 ILCS 3955/2) (from Ch. 91 1/2, par. 702)

13 Sec. 2. As used in this Act, unless the context requires
14 otherwise:

15 "Advisory Council" means the Disability Advocacy and
16 Guardianship Advisory Council created by Section 5-543 of the
17 Civil Administrative Code of Illinois.

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

19 ~~(b) "~~Department ~~Commission" means the~~ Department of
20 Disability Advocacy and Guardianship ~~and Advocacy Commission.~~

21 ~~(c) "Director" means the Director of the~~ Department
22 ~~Guardianship and Advocacy Commission.~~

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

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

5 ~~(f)~~ "Person" means an individual, corporation,
6 partnership, association, unincorporated organization, or a
7 government or any subdivision, agency, or instrumentality
8 thereof.

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

18 "Regional board" means a regional board of the Division of
19 Disability Rights and Protections.

20 ~~(h)~~ "Rights" includes but is not limited to all rights,
21 benefits, and privileges guaranteed by law, the Constitution
22 of the State of Illinois, and the Constitution of the United
23 States.

24 ~~(i)~~ "Legal Advocacy ~~Service~~ attorney" means an attorney
25 employed by or under contract with the Division of Legal
26 Advocacy ~~Service~~.

1 ~~(j)~~ "Service provider" means any public or private
2 facility, center, hospital, clinic, program, or any other
3 person devoted in whole or in part to providing services to
4 eligible persons.

5 ~~(k)~~ "State Guardian" means the Division ~~Office~~ of State
6 Guardian.

7 ~~(l)~~ "Ward" means a ward as defined by the Probate Act of
8 1975, as now or hereafter amended, who is at least 18 years of
9 age.

10 (Source: P.A. 99-143, eff. 7-27-15.)

11 (20 ILCS 3955/3) (from Ch. 91 1/2, par. 703)

12 Sec. 3. The Department of Disability Advocacy and
13 Guardianship and Advocacy Commission is hereby created as an
14 executive agency of state government. The Division of Legal
15 Advocacy Service, the Division of Disability Rights and
16 Protections, Human Rights Authority and the Division ~~Office~~ of
17 State Guardian shall be established as divisions of the
18 Department ~~Commission~~.

19 (Source: P.A. 80-1487.)

20 (20 ILCS 3955/4) (from Ch. 91 1/2, par. 704)

21 Sec. 4. (a) The Advisory Council ~~Commission~~ shall consist
22 of 11 members, ~~one of whom shall be a senior citizen age 60 or~~
23 ~~over, who shall be~~ appointed by the Governor, with the advice
24 and consent of the Senate, taking into account the

1 requirements of State and federal statutes. At least one
2 member of the Advisory Council shall be a senior citizen age 60
3 or older. At least one member shall be a person with one or
4 more disabilities or members of their families who receive
5 services and support as required under Section 15 of the
6 Persons with Disabilities on State Agency Boards Act. All
7 appointments shall be filed with the Secretary of State by the
8 appointing authority, ~~with the advice and consent of the~~
9 ~~Senate.~~

10 ~~All appointments shall be filed with the Secretary of~~
11 ~~State by the appointing authority.~~

12 (b) The ~~terms of the~~ original members of the Advisory
13 Council shall be the immediate former members of the
14 Guardianship and Advocacy Commission serving an unexpired term
15 on the Guardianship and Advocacy Commission on the day before
16 the effective date of the changes made to this Section by this
17 amendatory Act of the 104th General Assembly, who shall
18 continue to serve out their immediate terms on the Advisory
19 Council and may serve up to 2 full consecutive terms
20 thereafter. Any terms as a member of the Guardianship and
21 Advocacy Commission immediately preceding the creation of the
22 Department shall be considered in determining term limits. The
23 terms shall be 3 years beginning on July 1, with each member
24 serving no more than 2 full consecutive terms. All terms shall
25 continue until a successor is appointed ~~3 one year terms, 3 two~~
26 ~~year terms, and 3 three year terms, all terms to continue until~~

1 ~~a successor is appointed and qualified. The length of the~~
2 ~~terms of the original members shall be drawn by lot of the~~
3 ~~first meeting held by the Commission. The members first~~
4 ~~appointed under this amendatory Act of 1984 shall serve for a~~
5 ~~term of 3 years. Thereafter all terms shall be for 3 years,~~
6 ~~with each member serving no more than 2 consecutive terms.~~
7 ~~Vacancies in the membership are to be filled in the same manner~~
8 ~~as original appointments. Appointments to fill vacancies~~
9 ~~occurring before the expiration of a term are for the~~
10 ~~remainder of the unexpired term. A member of the Commission~~
11 ~~shall serve for a term ending on June 30 and until his~~
12 ~~successor is appointed and qualified.~~

13 (c) The Advisory Council ~~Commission~~ shall annually elect a
14 Chair and a Vice-Chair ~~Chairman and any other officers it~~
15 ~~deems necessary. The~~ Advisory Council ~~Commission~~ shall meet at
16 least ~~once every~~ 3 times annually. A majority of the members of
17 the Advisory Council, excluding vacancies, constitutes a
18 quorum ~~months with the times and places of meetings determined~~
19 ~~by the Chairman. Additional meetings may be called by the~~
20 ~~Chairman upon written notice 7 days before the meeting or by~~
21 ~~written petition of 5 members to the Chairman. Six members of~~
22 ~~the Commission constitute a quorum.~~

23 (d) Members of the Advisory Council ~~Commission~~ are not
24 entitled to compensation but shall receive reimbursement for
25 actual expenses incurred in the performance of their duties.

26 (e) The Advisory Council shall advise and make

1 recommendations to the Department for the development of
2 policies and operations that will aid in carrying out the
3 purposes of this Act.

4 (Source: P.A. 83-1538.)

5 (20 ILCS 3955/5) (from Ch. 91 1/2, par. 705)

6 Sec. 5. (a) The Department ~~Commission~~ shall establish
7 throughout the State such regions as it considers appropriate
8 to effectuate the purposes of the Division of Disability
9 Rights and Protections ~~Authority~~ under this Act, taking into
10 account the requirements of State and federal statutes;
11 population; civic, health and social service boundaries; and
12 other pertinent factors.

13 (b) The Department ~~may Commission shall~~ act through its
14 divisions as provided in this Act.

15 (c) The Department ~~Commission~~ shall establish general
16 policy guidelines for the operation of the Division of Legal
17 Advocacy Service, the Division of Disability Human Rights and
18 Protections, ~~Authority~~ and the Division of State Guardian in
19 furtherance of this Act. The policy guidelines shall ensure
20 that each division makes decisions with an appropriate level
21 of independence. Any action taken by a regional board
22 ~~authority~~ is subject to the review and approval of the
23 Director ~~Commission~~. The Director ~~Commission, acting on a~~
24 ~~request from the Director,~~ may disapprove any action of a
25 regional board ~~authority~~, in which case the regional board

1 ~~authority~~ shall cease such action.

2 (d) The Director ~~Commission~~ shall hire ~~a Director and~~
3 staff to carry out the powers and duties of the Department
4 ~~Commission~~ and its divisions pursuant to this Act and the
5 rules and regulations promulgated by the Department
6 ~~Commission~~. All staff, other than the Director, shall be
7 subject to the Personnel Code.

8 (e) (Blank). ~~The Commission shall review and evaluate the~~
9 ~~operations of the divisions.~~

10 (f) The Department ~~Commission~~ shall operate subject to the
11 provisions of the Illinois Procurement Code.

12 (g) The Department ~~Commission~~ shall prepare its budget.

13 (h) The Department ~~Commission~~ shall prepare an annual
14 report on its operations and submit the report to the Governor
15 and the General Assembly.

16 The requirement for reporting to the General Assembly
17 shall be satisfied by filing copies of the report as required
18 by Section 3.1 of the General Assembly Organization Act, and
19 filing such additional copies with the State Government Report
20 Distribution Center for the General Assembly as is required
21 under paragraph (t) of Section 7 of the State Library Act.

22 (i) The Department ~~Commission~~ shall establish rules and
23 regulations for the conduct of the work of its divisions,
24 including rules and regulations for the Division of Legal
25 Advocacy ~~Service~~ and the Division of State Guardian in
26 evaluating an eligible person's or ward's financial resources

1 for the purpose of determining whether the eligible person or
2 ward has the ability to pay for legal or guardianship services
3 received. The determination of the eligible person's financial
4 ability to pay for legal services shall be based upon the
5 number of dependents in the eligible person's family unit and
6 the income, liquid assets and necessary expenses, as
7 prescribed by rule of the Department ~~Commission~~ of: (1) the
8 eligible person; (2) the eligible person's spouse; and (3) the
9 parents of minor eligible persons. The determination of a
10 ward's ability to pay for guardianship services shall be based
11 upon the ward's estate. An eligible person or ward found to
12 have sufficient financial resources shall be required to pay
13 the Department ~~Commission~~ in accordance with standards
14 established by the Department ~~Commission~~. No fees may be
15 charged for legal services given unless the eligible person is
16 given notice at the start of such services that such fees might
17 be charged. No fees may be charged for guardianship services
18 given unless the ward is given notice of the request for fees
19 filed with the probate court and the court approves the amount
20 of fees to be assessed. All fees collected shall be deposited
21 with the State Treasurer and placed in the Guardianship and
22 Advocacy Fund. The Department ~~Commission~~ shall establish rules
23 and regulations regarding the procedures of appeal for clients
24 prior to termination or suspension of legal services. Such
25 rules and regulations shall include, but not be limited to,
26 client notification procedures prior to the actual

1 termination, the scope of issues subject to appeal, and
2 procedures specifying when a final administrative decision is
3 made.

4 (j) The Department ~~Commission~~ shall take such actions as
5 it deems necessary and appropriate to receive private, federal
6 and other public funds to help support the divisions and to
7 safeguard the rights of eligible persons. Private funds and
8 property may be accepted, held, maintained, administered and
9 disposed of by the Department ~~Commission~~, as trustee, for such
10 purposes for the benefit of the People of the State of Illinois
11 pursuant to the terms of the instrument granting the funds or
12 property to the Department ~~Commission~~.

13 (k) The Department ~~Commission~~ may expend funds under the
14 State's plan to protect and advocate the rights of persons
15 with a developmental disability established under the federal
16 Developmental Disabilities Assistance and Bill of Rights Act
17 of 2000 ~~Services and Facilities Construction Act (Public Law~~
18 ~~94-103, Title II)~~. If the Governor designates the Department
19 ~~Commission~~ to be the organization or agency to provide the
20 services called for in the State plan, the Department
21 ~~Commission~~ shall make these protection and advocacy services
22 available to persons with a developmental disability by
23 referral or by contracting for these services to the extent
24 practicable. If the Department ~~Commission~~ is unable to so make
25 available such protection and advocacy services, it shall
26 provide them through persons in its own employ.

1 (1) The Department ~~Commission~~ shall, to the extent funds
2 are available, monitor issues concerning the rights of
3 eligible persons and the care and treatment provided to those
4 persons, including but not limited to the incidence of abuse
5 or neglect of eligible persons. For purposes of that
6 monitoring the Department ~~Commission~~ shall have access to
7 reports of suspected abuse or neglect and information
8 regarding the disposition of such reports, subject to the
9 provisions of the Mental Health and Developmental Disabilities
10 Confidentiality Act.

11 (Source: P.A. 100-1148, eff. 12-10-18.)

12 (20 ILCS 3955/6) (from Ch. 91 1/2, par. 706)

13 Sec. 6. (a) The Department ~~Commission~~ may recommend to any
14 State agency or service provider regulations or procedures for
15 the purpose of safeguarding the rights of eligible persons.
16 The State agency or service provider shall notify the
17 Department ~~Commission~~, within 60 days of the receipt of the
18 recommendations, of the action taken thereon and the reason
19 therefor. The Department ~~Commission~~ shall not make
20 recommendations that ~~which~~ interfere with the proper practice
21 of medical or other professions.

22 (b) The Department ~~Commission~~ may recommend to the General
23 Assembly legislation for the purpose of safeguarding the
24 rights of eligible persons.

25 (c) The Department ~~Commission~~ may take any other action as

1 may be reasonable to carry out the purposes of this Act.

2 (Source: P.A. 80-1487.)

3 (20 ILCS 3955/7) (from Ch. 91 1/2, par. 707)

4 Sec. 7. The Director shall:

5 (1) carry out the policies and programs of the
6 Department; ~~Commission and~~

7 (2) coordinate the activities of the ~~its~~ divisions of
8 the Department; ~~and may delegate to the Human Rights~~
9 ~~Authority Director any duties described in Sections 14,~~
10 ~~15, and 16 of this Act.~~

11 (3) organize and administer programs to provide legal
12 counsel and representation for eligible persons to ensure
13 that their legal rights are protected;

14 (4) examine and delineate the needs of eligible
15 persons for legal counsel and representation and the
16 resources necessary to meet those needs, subject to the
17 approval of the Department; and

18 (5) institute or cause to be instituted legal
19 proceedings as may be necessary to enforce and give effect
20 to any of the duties or powers of the Department or its
21 divisions.

22 (Source: P.A. 96-271, eff. 1-1-10.)

23 (20 ILCS 3955/8) (from Ch. 91 1/2, par. 708)

24 Sec. 8. The Director may delegate to employees of the

1 Department any of the duties described in Section 7 of this
2 Act. shall:

3 ~~(1) Organize and administer programs to provide legal~~
4 ~~counsel and representation for eligible persons so as to~~
5 ~~ensure that their legal rights are protected;~~

6 ~~(2) Examine and delineate the needs of eligible persons~~
7 ~~for legal counsel and representation and the resources~~
8 ~~necessary to meet those needs, subject to the approval of the~~
9 ~~Commission; and~~

10 ~~(3) Institute or cause to be instituted such legal~~
11 ~~proceedings as may be necessary to enforce and give effect to~~
12 ~~any of the duties or powers of the Commission or its divisions.~~

13 (Source: P.A. 80-1487.)

14 (20 ILCS 3955/10) (from Ch. 91 1/2, par. 710)

15 Sec. 10. The Division of Legal Advocacy Service shall:

16 (1) Make available legal counsel to eligible persons in
17 judicial proceedings arising out of the "Mental Health and
18 Developmental Disabilities Code", enacted by the Eightieth
19 General Assembly, as now or hereafter amended, including but
20 not limited to admission, civil commitment, involuntary
21 treatment, ~~legal competency~~ and discharge;

22 (2) Make available or provide legal counsel and
23 representation to eligible persons to enforce rights or duties
24 arising out of any mental health or related laws, local, State
25 or federal.

1 (Source: P.A. 80-1487.)

2 (20 ILCS 3955/11) (from Ch. 91 1/2, par. 711)

3 Sec. 11. The Division of Legal Advocacy ~~Service~~ shall make
4 available counsel for eligible persons by referral or by
5 contracting for legal services to the extent practicable. The
6 Division of Legal Advocacy ~~Service~~ shall make a good faith
7 effort to assist eligible persons to engage private counsel,
8 and to contact private counsel for eligible persons whose
9 disabilities limit their capacity to independently contact
10 private counsel. If the Division of Legal Advocacy ~~Service~~ is
11 unable to so make available counsel, it shall provide
12 attorneys in its own employ. Taking into consideration the
13 availability of private counsel in the eligible person's local
14 area, the Department ~~Commission~~ shall establish, by rule, the
15 standards and procedures by which it will attempt to assist
16 eligible persons to engage private counsel.

17 (Source: P.A. 84-1358.)

18 (20 ILCS 3955/12) (from Ch. 91 1/2, par. 712)

19 Sec. 12. A Legal Advocacy ~~Service~~ attorney shall:

20 (1) have ready access to view and copy all mental health
21 records pertaining to his client, ~~as provided in the "Mental~~
22 ~~Health and Developmental Disabilities Confidentiality Act",~~
23 ~~enacted by the Eightieth General Assembly, as now or hereafter~~
24 ~~amended,~~ and such other records to which he is permitted

1 access; and

2 (2) have the opportunity to consult with his client
3 whenever necessary for the performance of his duties. Service
4 providers shall provide adequate space and privacy for the
5 purpose of attorney-client consultation. No attorney shall
6 have the right to visit eligible persons or look at their
7 records for the purpose of soliciting cases for
8 representation.

9 (Source: P.A. 80-1487.)

10 (20 ILCS 3955/13) (from Ch. 91 1/2, par. 713)

11 Sec. 13. Nothing in this Act shall be construed to
12 prohibit an eligible person from being represented by
13 privately retained counsel or from waiving his right to an
14 attorney in proceedings under the "Mental Health and
15 Developmental Disabilities Code", approved by the Eightieth
16 General Assembly, as now or hereafter amended, or as otherwise
17 provided by law. If a Legal Advocacy ~~Service~~ attorney has been
18 appointed by a court and the eligible person secures his own
19 counsel or is permitted to self-represent, the court shall
20 discharge the Legal Advocacy ~~Service~~ attorney.

21 (Source: P.A. 80-1487.)

22 (20 ILCS 3955/14) (from Ch. 91 1/2, par. 714)

23 Sec. 14. Each regional board ~~authority~~ shall consist of at
24 least 7 members and no more than 9 members appointed by the

1 Director, in accordance with this Section. Each regional board
2 ~~authority~~ shall include insofar as possible one professionally
3 knowledgeable and broadly experienced employee or officer of a
4 provider of each of the following services: mental health,
5 developmental disabilities, and vocational rehabilitation. No
6 other employee or officer of a service provider shall be
7 appointed to a regional board ~~authority~~. In making
8 appointments, the Director shall strive to ensure
9 representation of minority groups and of eligible persons, and
10 shall give due consideration to recommendations of persons and
11 groups assisting eligible persons. The Director may remove for
12 incompetence, neglect of duty, or malfeasance in office any
13 member of a regional board ~~authority~~. Each member of a
14 regional board shall become a member of a regional board while
15 retaining the existing end date of the member's current term.
16 All terms shall be for 3 years, with each member serving no
17 more than 2 consecutive terms, including terms as a member of a
18 regional authority of the Guardianship and Advocacy Commission
19 immediately preceding the creation of the Department. No
20 member shall serve for more than 2 full consecutive 3-year
21 terms. A quorum shall consist of a majority of appointed
22 members, excluding vacancies ~~All actions taken by the Director~~
23 ~~to appoint or remove members shall be reported to the~~
24 ~~Commission at the next scheduled Commission meeting.~~

25 Each regional board ~~authority~~ shall annually elect a Chair
26 ~~chairman~~ and any other officers it deems necessary. ~~Members of~~

1 ~~the regional authorities shall serve for a term of 3 years,~~
2 ~~except that the terms of the first appointees shall be as~~
3 ~~follows: 3 members serving for a 1 year term; 3 members serving~~
4 ~~for a 2 year term; and 3 members serving for a 3 year term.~~
5 ~~Assignment of terms of such first appointees shall be by lot.~~
6 ~~No member shall serve for more than 2 consecutive 3 year terms.~~
7 ~~A quorum shall consist of a majority of appointed members.~~

8 Vacancies in the regional board ~~authorities~~ shall be
9 filled by the Director. Appointments to fill vacancies
10 occurring before the expiration of a term are for the
11 remainder of the unexpired term ~~in the same manner as original~~
12 ~~appointments.~~

13 Members of the regional board ~~authorities~~ shall serve
14 without compensation but shall be reimbursed for actual
15 expenses incurred in the performance of their duties.

16 Each regional board ~~authority~~ shall meet not less than
17 once every 2 months. Meetings may also be held upon call of the
18 Regional Chair ~~Chairman~~ or upon written request of a majority
19 of the appointed ~~any 5~~ members of the regional board,
20 excluding vacancies ~~authority.~~

21 (Source: P.A. 104-273, eff. 1-1-26.)

22 (20 ILCS 3955/15) (from Ch. 91 1/2, par. 715)

23 Sec. 15. A regional board that ~~authority which~~ receives a
24 complaint alleging that the rights of an eligible person have
25 been violated in the region in which the regional board

1 ~~authority~~ sits, shall conduct an investigation unless it
2 determines that the complaint is frivolous or beyond the scope
3 of its authority or competence, or unless the Director finds
4 that a conflict of interest exists and directs another
5 regional board ~~authority~~ to conduct the investigation. The
6 regional board ~~authority~~ shall inform the complainant of
7 whether it will conduct an investigation, and if not, the
8 reason therefor. The regional board ~~authority~~ may advise a
9 complainant as to other remedies which may be available.
10 Reassignments of investigations for conflicts of interest and
11 refusals to investigate shall be reviewed and approved by the
12 Director ~~and the Director may seek direction from the~~
13 ~~Commission.~~

14 (Source: P.A. 96-271, eff. 1-1-10.)

15 (20 ILCS 3955/16) (from Ch. 91 1/2, par. 716)

16 Sec. 16. A regional board ~~authority~~ may conduct
17 investigations upon its own initiative if it has reason to
18 believe that the rights of an eligible person have been
19 violated in the region in which the regional board ~~authority~~
20 sits, unless the Director finds that a conflict of interest
21 exists and directs another regional board ~~authority~~ to conduct
22 the investigation.

23 (Source: P.A. 96-271, eff. 1-1-10.)

24 (20 ILCS 3955/17) (from Ch. 91 1/2, par. 717)

1 Sec. 17. In the course of an investigation, a regional
2 board ~~authority~~ may enter and inspect the premises of a
3 service provider or State agency and question privately any
4 person therein within reasonable limits and in a reasonable
5 manner. Whenever possible, prior notice shall be given the
6 parties regarding the nature, location, and persons involved
7 in a particular investigation.

8 (Source: P.A. 80-1416.)

9 (20 ILCS 3955/18) (from Ch. 91 1/2, par. 718)

10 Sec. 18. In the course of an investigation, a regional
11 board ~~authority~~ may inspect and copy any materials relevant to
12 the investigation in the possession of a service provider or
13 state agency. However, a regional board ~~authority~~ may not
14 inspect or copy materials containing personally identifiable
15 data which cannot ~~can not~~ be removed without imposing an
16 unreasonable burden on the service provider or State agency,
17 except as provided herein. The regional board ~~authority~~ shall
18 give written notice to the person entitled to give consent for
19 the identifiable eligible person under Section 5 of the
20 "Mental Health and Developmental Disabilities Confidentiality
21 Act", enacted by the Eightieth General Assembly, as now or
22 hereafter amended, or under any other relevant law, that it is
23 conducting an investigation and indicating the nature and
24 purpose of the investigation and the need to inspect and copy
25 materials containing data that identifies the eligible person.

1 If the person notified objects in writing to such inspection
2 and copying, the regional board ~~authority~~ may not inspect or
3 copy such materials. The service provider or State agency may
4 not object on behalf of an eligible person.

5 (Source: P.A. 80-1487.)

6 (20 ILCS 3955/19) (from Ch. 91 1/2, par. 719)

7 Sec. 19. No regional board ~~authority~~ may disclose to any
8 person any materials which identify an eligible person unless
9 the eligible person or legally authorized person consents to
10 such disclosure, except if and to the extent that disclosure
11 may be necessary for the appointment of a guardian for such
12 eligible person.

13 (Source: P.A. 80-1487.)

14 (20 ILCS 3955/20) (from Ch. 91 1/2, par. 720)

15 Sec. 20. A regional board ~~authority~~ may conduct hearings
16 and compel by subpoena the attendance and testimony of such
17 witnesses and the production of such materials as are
18 necessary or desirable for its investigation.

19 (Source: P.A. 80-1487.)

20 (20 ILCS 3955/21) (from Ch. 91 1/2, par. 721)

21 Sec. 21. A regional board ~~authority~~ may, subject to the
22 provisions of the Open Meetings Act, conduct closed meetings
23 and hearings when necessary to ensure confidentiality or to

1 protect the rights of any eligible person or provider of
2 services or other person. However, it shall make public a
3 summary of business conducted during any such meeting or
4 hearing. Such summary shall not contain personally
5 identifiable data.

6 (Source: P.A. 96-271, eff. 1-1-10.)

7 (20 ILCS 3955/22) (from Ch. 91 1/2, par. 722)

8 Sec. 22. During the course of an investigation, the
9 regional board ~~authority~~ shall periodically inform the
10 complainant, or provider and any eligible person involved of
11 the status of the investigation.

12 (Source: P.A. 80-1487.)

13 (20 ILCS 3955/23) (from Ch. 91 1/2, par. 723)

14 Sec. 23. If a regional board ~~authority~~ finds that:

- 15 A. a matter should be further considered;
16 B. an act investigated should be modified or cancelled;
17 C. a statute or regulation should be altered;
18 D. reasons should be given for an act; or
19 E. any other action should be taken;

20 it shall report its recommendations to the State agency,
21 service provider or other person investigated. Such person
22 investigated shall notify the regional board ~~authority~~, within
23 30 days of the receipt of such recommendations, of the action
24 taken thereon and the reason therefor.

1 (Source: P.A. 80-1416.)

2 (20 ILCS 3955/24) (from Ch. 91 1/2, par. 724)

3 Sec. 24. If a regional board ~~authority~~ determines that
4 further action is required, it may refer a matter to the
5 Director ~~Commission~~ or another division of the Department
6 ~~thereof~~, and any federal, State, or local agency, or other
7 persons, as it may deem appropriate and as approved by the
8 Director, ~~as it may deem appropriate and as approved by the~~
9 ~~Director~~.

10 (Source: P.A. 96-271, eff. 1-1-10.)

11 (20 ILCS 3955/25) (from Ch. 91 1/2, par. 725)

12 Sec. 25. Within 10 days of the completion of its
13 investigation, the regional board ~~authority~~ shall inform the
14 complainant and the eligible person involved of the outcome of
15 its investigation and of any action taken thereon.

16 (Source: P.A. 80-1487.)

17 (20 ILCS 3955/26) (from Ch. 91 1/2, par. 726)

18 Sec. 26. Subject to the provisions of Section 19, a
19 regional board ~~authority~~ may make public its findings and
20 recommendations. It shall include in any such public statement
21 any reply made by the State agency, service provider, or other
22 person investigated that has requested that the reply be so
23 included. The State agency, service provider, or other person

1 investigated ~~provider or person~~ shall have opportunity to
2 review and object to any proposed public findings and
3 recommendations. If the State agency, service provider, or
4 other person investigated requests, the objections shall be
5 included with public findings and recommendations issued by
6 the regional board ~~authority~~ in the ~~this~~ matter.

7 (Source: P.A. 80-1416.)

8 (20 ILCS 3955/27) (from Ch. 91 1/2, par. 727)

9 Sec. 27. A regional board ~~authority~~ may, ~~by acting through~~
10 ~~the Director,~~ propose to the Department Commission legislation
11 for the purpose of safeguarding the rights of eligible
12 persons.

13 (Source: P.A. 96-271, eff. 1-1-10.)

14 (20 ILCS 3955/28) (from Ch. 91 1/2, par. 728)

15 Sec. 28. A regional board ~~authority~~ may take such other
16 action as may be reasonable and appropriate to carry out the
17 purposes of this Act.

18 (Source: P.A. 80-1416.)

19 (20 ILCS 3955/30) (from Ch. 91 1/2, par. 730)

20 Sec. 30. When appointed by the court pursuant to the
21 ~~"Probate Act of 1975", approved August 7, 1975,~~ as now or
22 hereafter amended, the Division of State Guardian shall serve
23 as guardian, either plenary or limited; temporary guardian;

1 testamentary guardian; or successor guardian~~r~~ of the person or
2 the estate, or both, of a ward. If nomination is testamentary
3 the Division of State Guardian shall be notified in writing at
4 the time of the death of the testator. The Division ~~Office~~ of
5 State Guardian may file a petition for its own appointment, or
6 for the appointment of any other person, if the Division of
7 State Guardian determines that the filing of the petition may
8 avoid the need for State guardianship. In addition, the
9 Division of State Guardian may assist the court, as the court
10 may request, in proceedings for the appointment of a guardian
11 and in the supervision of persons and agencies which have been
12 appointed as guardians.

13 (Source: P.A. 89-396, eff. 8-20-95.)

14 (20 ILCS 3955/31) (from Ch. 91 1/2, par. 731)

15 Sec. 31. Appointment; availability of Division of State
16 Guardian; available private guardian.

17 (a) The Division of State Guardian shall not be appointed
18 if another suitable person is available and willing to accept
19 the guardianship appointment. In all cases where a court
20 appoints the Division of State Guardian, the court shall
21 indicate in the order appointing the guardian as a finding of
22 fact that no other suitable and willing person could be found
23 to accept the guardianship appointment. On and after the
24 effective date of the ~~this~~ amendatory Act of the 97th General
25 Assembly, the court shall also indicate in the order, as a

1 finding of fact, the reasons that the Division of State
2 Guardian appointment, rather than the appointment of another
3 interested party, is required. This requirement shall be
4 waived where the Division ~~Office~~ of State Guardian petitions
5 for its own appointment as guardian.

6 (b) In all cases in which the Division of State Guardian
7 has been appointed to prior to or after the effective date of
8 the changes made to this Section by this amendatory Act of the
9 104th General Assembly, the Division of State Guardian shall
10 be recognized as a division of the Department. Any reference
11 in law, regulation, order, or appointment to the State
12 Guardian or Office of State Guardian as a division of the
13 Guardianship and Advocacy Commission shall be deemed to refer
14 to the State Guardian as a division of the Department of
15 Disability Advocacy and Guardianship. This subsection applies
16 retroactively and prospectively to all appointments, actions,
17 and proceedings involving the State Guardian or its wards.

18 (Source: P.A. 97-1093, eff. 1-1-13.)

19 (20 ILCS 3955/32) (from Ch. 91 1/2, par. 732)

20 Sec. 32. The Division of State Guardian shall have the
21 same powers and duties as a private guardian as provided in
22 Article XIa of the Probate Act of 1975, ~~approved August 7,~~
23 ~~1975~~. The State Guardian shall not provide direct residential
24 services to its wards. The State Guardian shall visit and
25 consult with its wards at least four times a year for as long

1 as the guardianship continues.

2 (Source: P.A. 80-1416.)

3 (20 ILCS 3955/33.5)

4 Sec. 33.5. Guardianship training program. The State
5 Guardian shall provide a training program that outlines the
6 duties and responsibilities of guardians appointed under
7 Article XIa of the Probate Act of 1975. The training program
8 shall be offered to courts at no cost, and shall outline the
9 duties ~~responsibilities~~ of a guardian and the rights of a
10 person under guardianship. The training program shall have 2
11 components: one for guardians of the person and another for
12 guardians of the estate. The State Guardian shall determine
13 the content of the training. The component for guardians of
14 the person shall include content regarding Alzheimer's disease
15 and dementia, including, but not limited to, the following
16 topics: effective communication strategies; best practices for
17 interacting with people living with Alzheimer's disease or
18 related forms of dementia; and strategies for supporting
19 people living with Alzheimer's disease or related forms of
20 dementia in exercising their rights. In developing the
21 training program content, the State Guardian shall consult
22 with the courts, State and national guardianship
23 organizations, public guardians, advocacy organizations, and
24 persons and family members with direct experience with adult
25 guardianship. In the preparation and dissemination of training

1 materials, the State Guardian shall give due consideration to
2 making the training materials accessible to persons with
3 disabilities.

4 (Source: P.A. 103-64, eff. 1-1-24; 104-237, eff. 1-1-26.)

5 (20 ILCS 3955/34) (from Ch. 91 1/2, par. 734)

6 Sec. 34. A person, including a private citizen or employee
7 of a service provider, who, in good faith, files a complaint
8 with or provides information to the Department or any of its
9 divisions ~~Commission or any division thereof, including~~
10 ~~private citizens and employees of service providers,~~ shall not
11 be subject to any penalties, sanctions, or restrictions as a
12 consequence of filing the complaint or providing the
13 information.

14 (Source: P.A. 80-1416.)

15 (20 ILCS 3955/36) (from Ch. 91 1/2, par. 736)

16 Sec. 36. Rules and regulations adopted by the Department
17 ~~Commission~~ pursuant to authority granted under this Act shall
18 be subject to the provisions of the Illinois Administrative
19 Procedure Act.

20 (Source: P.A. 84-1358.)

21 (20 ILCS 3955/35 rep.)

22 Section 10-33. The Guardianship and Advocacy Act is
23 amended by repealing Section 35.

1 Section 10-35. The Persons with Disabilities on State
2 Agency Boards Act is amended by changing Section 10 as
3 follows:

4 (20 ILCS 4007/10)

5 Sec. 10. Definitions. As used in this Act, unless the
6 context requires otherwise:

7 "Disability" means a physical or mental characteristic
8 resulting from disease, injury, congenital condition of birth,
9 or functional disorder, the history of such a characteristic,
10 or the perception of such a characteristic, when the
11 characteristic results in substantial functional limitations
12 in 3 or more of the following areas of major life activity:
13 self care, fine motor skills, mobility, vision, respiration,
14 learning, work, receptive and expressive language (hearing and
15 speaking), self direction, capacity for independent living,
16 and economic sufficiency.

17 "State human services agency" means the following:

18 (1) The Citizens Council on Mental Health and
19 Developmental Disabilities created under Article 11A of
20 the Legislative Commission Reorganization Act of 1984.

21 (2) Advisory councils created by the Department of
22 Human Rights under Section 7-107 of the Illinois Human
23 Rights Act.

24 (3) The Department of Disability Advocacy and

1 Guardianship ~~and Advocacy Commission~~ created under the
2 Guardianship and Advocacy Act.

3 (4) (Blank).

4 (Source: P.A. 100-866, eff. 8-14-18.)

5 Section 10-45. The State Finance Act is amended by
6 changing Section 6z-22 as follows:

7 (30 ILCS 105/6z-22) (from Ch. 127, par. 142z-22)

8 Sec. 6z-22. All fees or other monies received by the
9 Department of Disability Advocacy and Guardianship ~~and~~
10 ~~Advocacy Commission~~ incident to the provision of legal or
11 guardianship services to eligible persons or wards pursuant to
12 subsection (i) of Section 5 of the Guardianship and Advocacy
13 Act shall be paid into the Guardianship and Advocacy Fund.

14 Appropriations for the improvement, development, addition
15 or expansion of legal and guardianship services for eligible
16 persons or wards pursuant to Section 5 of the Guardianship and
17 Advocacy Act or for the financing of any program designed to
18 provide such improvement, development, addition or expansion
19 of services or for expenses incurred in administering the
20 Division of Human Rights Authority, Legal Advocacy, the
21 Division of Disability Rights and Protections, and the
22 Division ~~Service and Office~~ of State Guardian are payable from
23 the Guardianship and Advocacy Fund.

24 (Source: P.A. 86-448; 86-1028.)

1 Section 10-50. The Public Interest Attorney Assistance Act
2 is amended by changing Section 15 as follows:

3 (110 ILCS 916/15)

4 Sec. 15. Definitions. For the purposes of this Act:

5 "Assistant State's Attorney" means a full-time employee of
6 a State's Attorney in Illinois or the State's Attorneys
7 Appellate Prosecutor who is continually licensed to practice
8 law and prosecutes or defends cases on behalf of the State or a
9 county.

10 "Assistant Attorney General" means a full-time employee of
11 the Illinois Attorney General who is continually licensed to
12 practice law and prosecutes or defends cases on behalf of the
13 State.

14 "Assistant Public Defender" means a full-time employee of
15 a Public Defender in Illinois or the State Appellate Defender
16 who is continually licensed to practice law and provides legal
17 representation to indigent persons, as provided by statute.

18 "Assistant public guardian" means a full-time employee of
19 a public guardian in Illinois who is continually licensed to
20 practice law and provides legal representation pursuant to
21 court appointment.

22 "Civil legal aid" means free or reduced-cost legal
23 representation or advice to low-income clients in non-criminal
24 matters.

1 "Civil legal aid attorney" means an attorney who is
2 continually licensed to practice law and is employed full time
3 as an attorney at a civil legal aid organization in Illinois.

4 "Civil legal aid organization" means a not-for-profit
5 corporation in Illinois that (i) is exempt from the payment of
6 federal income tax pursuant to Section 501(c)(3) of the
7 Internal Revenue Code, (ii) is established for the purpose of
8 providing legal services that include civil legal aid, (iii)
9 employs 2 or more full-time attorneys who are licensed to
10 practice law in this State and who directly provide civil
11 legal aid, and (iv) is in compliance with registration and
12 filing requirements that are applicable under the Charitable
13 Trust Act and the Solicitation for Charity Act.

14 "Commission" means the Illinois Student Assistance
15 Commission.

16 "Committee" means the advisory committee created under
17 Section 20 of this Act.

18 "Eligible debt" means outstanding principal, interest, and
19 related fees from loans obtained for undergraduate, graduate,
20 or law school educational expenses made by government or
21 commercial lending institutions or educational institutions.

22 "Eligible debt" excludes loans made by a private individual or
23 family member.

24 "Department of Disability Advocacy and Guardianship ~~ICAC~~
25 attorney" means a full-time employee of the Department of
26 Disability ~~Illinois Guardianship and Advocacy and Guardianship~~

1 ~~Commission~~, including the Division ~~Office~~ of State Guardian,
2 the Division of Legal Advocacy ~~Service~~, and the Division of
3 Disability ~~Human~~ Rights and Protections ~~Authority~~, who is
4 continually licensed to practice law and provides legal
5 representation to carry out the responsibilities of the
6 Department of Disability Advocacy and ~~Illinois~~ Guardianship
7 ~~and Advocacy Commission~~.

8 "Legislative attorney" means a full-time employee of the
9 Illinois Senate, the Illinois House of Representatives, or the
10 Illinois Legislative Reference Bureau who is continually
11 licensed to practice law and provides legal advice to members
12 of the General Assembly.

13 "Program" means the Public Interest Attorney Loan
14 Repayment Assistance Program.

15 "Public interest attorney" means an attorney practicing in
16 Illinois who is an assistant State's Attorney, assistant
17 Public Defender, civil legal aid attorney, assistant Attorney
18 General, assistant public guardian, Department of Disability
19 Advocacy and Guardianship ~~ICAC~~ attorney, or legislative
20 attorney.

21 "Qualifying employer" means (i) an Illinois State's
22 Attorney or the State's Attorneys Appellate Prosecutor, (ii)
23 an Illinois Public Defender or the State Appellate Defender,
24 (iii) an Illinois civil legal aid organization, (iv) the
25 Illinois Attorney General, (v) an Illinois public guardian,
26 (vi) the Department of Disability Advocacy and ~~Illinois~~

1 Guardianship ~~and Advocacy Commission~~, (vii) the Illinois
2 Senate, (viii) the Illinois House of Representatives, or (ix)
3 the Illinois Legislative Reference Bureau.

4 (Source: P.A. 96-615, eff. 1-1-10; 96-768, eff. 1-1-10.)

5 Section 10-55. The Abused and Neglected Long Term Care
6 Facility Residents Reporting Act is amended by changing
7 Sections 4 and 6 as follows:

8 (210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

9 Sec. 4. Any long term care facility administrator, agent
10 or employee or any physician, hospital, surgeon, dentist,
11 osteopath, chiropractor, podiatric physician, accredited
12 religious practitioner who provides treatment by spiritual
13 means alone through prayer in accordance with the tenets and
14 practices of the accrediting church, coroner, social worker,
15 social services administrator, registered nurse, law
16 enforcement officer, field personnel of the Department of
17 Healthcare and Family Services, field personnel of the
18 Illinois Department of Public Health and County or Municipal
19 Health Departments, personnel of the Department of Human
20 Services (acting as the successor to the Department of Mental
21 Health and Developmental Disabilities or the Department of
22 Public Aid), personnel of the Department of Disability
23 Advocacy and Guardianship (acting as the successor to the
24 Guardianship and Advocacy Commission), personnel of the State

1 Fire Marshal, local fire department inspectors or other
2 personnel, or personnel of the Illinois Department on Aging,
3 or its subsidiary Agencies on Aging, or employee of a facility
4 licensed under the Assisted Living and Shared Housing Act,
5 having reasonable cause to believe any resident with whom they
6 have direct contact has been subjected to abuse or neglect
7 shall immediately report or cause a report to be made to the
8 Department. Persons required to make reports or cause reports
9 to be made under this Section include all employees of the
10 State of Illinois who are involved in providing services to
11 residents, including professionals providing medical or
12 rehabilitation services and all other persons having direct
13 contact with residents; and further include all employees of
14 community service agencies who provide services to a resident
15 of a public or private long term care facility outside of that
16 facility. Any long term care surveyor of the Illinois
17 Department of Public Health who has reasonable cause to
18 believe in the course of a survey that a resident has been
19 abused or neglected and initiates an investigation while on
20 site at the facility shall be exempt from making a report under
21 this Section but the results of any such investigation shall
22 be forwarded to the central register in a manner and form
23 described by the Department.

24 The requirement of this Act shall not relieve any
25 long-term ~~long-term~~ care facility administrator, agent or
26 employee of responsibility to report the abuse or neglect of a

1 resident under Section 3-610 of the Nursing Home Care Act or
2 under Section 3-610 of the ID/DD Community Care Act or under
3 Section 3-610 of the MC/DD Act or under Section 2-107 of the
4 Specialized Mental Health Rehabilitation Act of 2013.

5 In addition to the above persons required to report
6 suspected resident abuse and neglect, any other person may
7 make a report to the Department, or to any law enforcement
8 officer, if such person has reasonable cause to suspect a
9 resident has been abused or neglected.

10 This Section also applies to residents whose death occurs
11 from suspected abuse or neglect before being found or brought
12 to a hospital.

13 A person required to make reports or cause reports to be
14 made under this Section who fails to comply with the
15 requirements of this Section is guilty of a Class A
16 misdemeanor.

17 (Source: P.A. 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;
18 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

19 (210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

20 Sec. 6. All reports of suspected abuse or neglect made
21 under this Act shall be made immediately by telephone to the
22 Department's central register established under Section 14 on
23 the single, State-wide, toll-free telephone number established
24 under Section 13, or in person or by telephone through the
25 nearest Department office. No long-term ~~long-term~~ care

1 facility administrator, agent or employee, or any other
2 person, shall screen reports or otherwise withhold any reports
3 from the Department, and no long-term ~~long-term~~ care facility,
4 department of State government, or other agency shall
5 establish any rules, criteria, standards or guidelines to the
6 contrary. Every long-term ~~long-term~~ care facility, department
7 of State government and other agency whose employees are
8 required to make or cause to be made reports under Section 4
9 shall notify its employees of the provisions of that Section
10 and of this Section, and provide to the Department
11 documentation that such notification has been given. The
12 Department of Human Services shall train all of its mental
13 health and developmental disabilities employees in the
14 detection and reporting of suspected abuse and neglect of
15 residents. Reports made to the central register through the
16 State-wide, toll-free telephone number shall be transmitted to
17 appropriate Department offices and municipal health
18 departments that have responsibility for licensing long term
19 care facilities under the Nursing Home Care Act, the
20 Specialized Mental Health Rehabilitation Act of 2013, the
21 ID/DD Community Care Act, or the MC/DD Act. All reports
22 received through offices of the Department shall be forwarded
23 to the central register, in a manner and form described by the
24 Department. The Department shall be capable of receiving
25 reports of suspected abuse and neglect 24 hours a day, 7 days a
26 week. Reports shall also be made in writing deposited in the

1 U.S. mail, postage prepaid, within 24 hours after having
2 reasonable cause to believe that the condition of the resident
3 resulted from abuse or neglect. Such reports may in addition
4 be made to the local law enforcement agency in the same manner.
5 However, in the event a report is made to the local law
6 enforcement agency, the reporter also shall immediately so
7 inform the Department. The Department shall initiate an
8 investigation of each report of resident abuse and neglect
9 under this Act, whether oral or written, as provided for in
10 Section 3-702 of the Nursing Home Care Act, Section 2-208 of
11 the Specialized Mental Health Rehabilitation Act of 2013,
12 Section 3-702 of the ID/DD Community Care Act, or Section
13 3-702 of the MC/DD Act, except that reports of abuse which
14 indicate that a resident's life or safety is in imminent
15 danger shall be investigated within 24 hours of such report.
16 The Department may delegate to law enforcement officials or
17 other public agencies the duty to perform such investigation.

18 With respect to investigations of reports of suspected
19 abuse or neglect of residents of mental health and
20 developmental disabilities institutions under the jurisdiction
21 of the Department of Human Services, the Department shall
22 transmit copies of such reports to the Illinois State Police,
23 the Department of Human Services, and the Inspector General
24 appointed under Section 1-17 of the Department of Human
25 Services Act. If the Department receives a report of suspected
26 abuse or neglect of a recipient of services as defined in

1 Section 1-123 of the Mental Health and Developmental
2 Disabilities Code, the Department shall transmit copies of
3 such report to the Inspector General and the Director
4 ~~Directors~~ of the Disability Advocacy and Guardianship ~~and~~
5 ~~Advocacy Commission~~ and the agency designated by the Governor
6 pursuant to the Protection and Advocacy for Persons with
7 Developmental Disabilities Act. When requested by the Director
8 of ~~the~~ Disability Advocacy and Guardianship ~~and Advocacy~~
9 ~~Commission~~, the agency designated by the Governor pursuant to
10 the Protection and Advocacy for Persons with Developmental
11 Disabilities Act, or the Department of Financial and
12 Professional Regulation, the Department, the Department of
13 Human Services and the Illinois State Police shall make
14 available a copy of the final investigative report regarding
15 investigations conducted by their respective agencies on
16 incidents of suspected abuse or neglect of residents of mental
17 health and developmental disabilities institutions or
18 individuals receiving services at community agencies under the
19 jurisdiction of the Department of Human Services. Such final
20 investigative report shall not contain witness statements,
21 investigation notes, draft summaries, results of lie detector
22 tests, investigative files or other raw data which was used to
23 compile the final investigative report. Specifically, the
24 final investigative report of the Illinois State Police shall
25 mean the Director's final transmittal letter. The Department
26 of Human Services shall also make available a copy of the

1 results of disciplinary proceedings of employees involved in
2 incidents of abuse or neglect to the Directors. All
3 identifiable information in reports provided shall not be
4 further disclosed except as provided by the Mental Health and
5 Developmental Disabilities Confidentiality Act. Nothing in
6 this Section is intended to limit or construe the power or
7 authority granted to the agency designated by the Governor
8 pursuant to the Protection and Advocacy for Persons with
9 Developmental Disabilities Act, pursuant to any other State or
10 federal statute.

11 With respect to investigations of reported resident abuse
12 or neglect, the Department shall effect with appropriate law
13 enforcement agencies formal agreements concerning methods and
14 procedures for the conduct of investigations into the criminal
15 histories of any administrator, staff assistant or employee of
16 the nursing home or other person responsible for the residents
17 care, as well as for other residents in the nursing home who
18 may be in a position to abuse, neglect or exploit the patient.
19 Pursuant to the formal agreements entered into with
20 appropriate law enforcement agencies, the Department may
21 request information with respect to whether the person or
22 persons set forth in this paragraph have ever been charged
23 with a crime and if so, the disposition of those charges.
24 Unless the criminal histories of the subjects involved crimes
25 of violence or resident abuse or neglect, the Department shall
26 be entitled only to information limited in scope to charges

1 and their dispositions. In cases where prior crimes of
2 violence or resident abuse or neglect are involved, a more
3 detailed report can be made available to authorized
4 representatives of the Department, pursuant to the agreements
5 entered into with appropriate law enforcement agencies. Any
6 criminal charges and their disposition information obtained by
7 the Department shall be confidential and may not be
8 transmitted outside the Department, except as required herein,
9 to authorized representatives or delegates of the Department,
10 and may not be transmitted to anyone within the Department who
11 is not duly authorized to handle resident abuse or neglect
12 investigations.

13 The Department shall effect formal agreements with
14 appropriate law enforcement agencies in the various counties
15 and communities to encourage cooperation and coordination in
16 the handling of resident abuse or neglect cases pursuant to
17 this Act. The Department shall adopt and implement methods and
18 procedures to promote statewide uniformity in the handling of
19 reports of abuse and neglect under this Act, and those methods
20 and procedures shall be adhered to by personnel of the
21 Department involved in such investigations and reporting. The
22 Department shall also make information required by this Act
23 available to authorized personnel within the Department, as
24 well as its authorized representatives.

25 The Department shall keep a continuing record of all
26 reports made pursuant to this Act, including indications of

1 the final determination of any investigation and the final
2 disposition of all reports.

3 The Department shall report annually to the General
4 Assembly on the incidence of abuse and neglect of long term
5 care facility residents, with special attention to residents
6 who are persons with mental disabilities. The report shall
7 include but not be limited to data on the number and source of
8 reports of suspected abuse or neglect filed under this Act,
9 the nature of any injuries to residents, the final
10 determination of investigations, the type and number of cases
11 where abuse or neglect is determined to exist, and the final
12 disposition of cases.

13 (Source: P.A. 102-538, eff. 8-20-21.)

14 Section 10-60. The Community Living Facilities Licensing
15 Act is amended by changing Section 5 as follows:

16 (210 ILCS 35/5) (from Ch. 111 1/2, par. 4185)

17 Sec. 5. Licensing standards. The Department shall
18 promulgate rules and regulations establishing minimum
19 standards for licensing of Community Living Facilities. These
20 rules shall regulate:

21 (1) The location of Community Living Facilities. These
22 provisions shall insure that the Community Living Facilities
23 are in appropriate neighborhoods and shall prohibit
24 concentration of these housing programs in communities.

1 (2) The operation and conduct of Community Living
2 Facilities.

3 (3) The general financial ability, competence, character
4 and qualifications of the applicant to provide appropriate
5 care and comply with this Act.

6 (4) The appropriateness, safety, cleanliness and general
7 adequacy of the premises, including maintenance of adequate
8 fire protection and health standards, conforming to State laws
9 and municipal codes, to provide for the physical comfort,
10 well-being, care and protection of the residents.

11 (5) The number, character, training and qualifications of
12 personnel directly responsible for the residents.

13 (6) Provisions for food, clothing, educational
14 opportunities, social activities, home furnishings and
15 personal property to insure the healthy physical, emotional
16 and mental development of residents.

17 (7) Implementation of habilitation plans for each
18 resident.

19 (8) Provisions for residents to receive appropriate
20 programming and support services commensurate with their
21 individual needs, and to participate in decisions regarding
22 their use of programs and support services.

23 Such services should include educational opportunities,
24 vocational training and other day activities aimed at
25 promoting independence and improving basic living skills.

26 (9) Provisions and criteria for admission, discharge and

1 transfers at Community Living Facilities.

2 (10) Provisions specifying the role and responsibilities
3 of residents for upkeep of their rooms and the overall
4 maintenance and care of the Community Living Facilities. These
5 provisions shall allow the residents to participate in normal,
6 daily activities associated with community living.

7 (11) Provisions to insure that residents are notified of
8 their legal rights, as defined in the rules promulgated
9 pursuant to subsection (12) of this Section and to assist them
10 in exercising these rights. Upon admission to a Community
11 Living Facility, residents shall be provided a copy of their
12 rights and related rules, regulations and policies, and the
13 name, address, and telephone number of the Department of
14 Disability Advocacy and Guardianship and Advocacy Commission.

15 (12) Resident rights, which shall include, but need not be
16 limited to, those guaranteed by the "Mental Health and
17 Developmental Disabilities Code", as amended.

18 (13) Maintenance of records pertaining to the admission,
19 habilitation, and discharge of residents, and to the general
20 operation of Community Living Facilities.

21 (Source: P.A. 82-567.)

22 Section 10-65. The Nursing Home Care Act is amended by
23 changing Sections 2-106 and 2-201 as follows:

24 (210 ILCS 45/2-106) (from Ch. 111 1/2, par. 4152-106)

1 Sec. 2-106. Restraints.

2 (a) For purposes of this Act, a physical restraint is any
3 manual method or physical or mechanical device, material, or
4 equipment attached or adjacent to a resident's body that the
5 resident cannot remove easily and restricts freedom of
6 movement or normal access to one's body, and a chemical
7 restraint is any drug used for discipline or convenience and
8 not required to treat medical symptoms.

9 Devices used for positioning, including, but not limited
10 to, bed rails and gait belts, shall not be considered to be
11 physical restraints for purposes of this Act unless the device
12 is used to restrain or otherwise limit the patient's freedom
13 to move. A device used for positioning must be requested by the
14 resident or, if the resident is unable to consent, the
15 resident's guardian or authorized representative, or the need
16 for that device must be physically demonstrated by the
17 resident and documented in the resident's care plan. The
18 physically demonstrated need of the resident for a device used
19 for positioning must be revisited in every comprehensive
20 assessment of the resident.

21 The Department shall by rule, designate certain devices as
22 restraints, including at least all those devices which have
23 been determined to be restraints by the United States
24 Department of Health and Human Services in interpretive
25 guidelines issued for the purposes of administering Titles
26 XVIII and XIX of the Social Security Act.

1 (b) Neither restraints nor confinements shall be employed
2 for the purpose of punishment or for the convenience of any
3 facility personnel. No restraints or confinements shall be
4 employed except as ordered by a physician who documents the
5 need for such restraints or confinements in the resident's
6 clinical record.

7 (c) A restraint may be used only with the informed consent
8 of the resident, the resident's guardian, or other authorized
9 representative. A restraint may be used only for specific
10 periods, if it is the least restrictive means necessary to
11 attain and maintain the resident's highest practicable
12 physical, mental or psychosocial well-being, including brief
13 periods of time to provide necessary life-saving treatment. A
14 restraint may be used only after consultation with appropriate
15 health professionals, such as occupational or physical
16 therapists, and a trial of less restrictive measures has led
17 to the determination that the use of less restrictive measures
18 would not attain or maintain the resident's highest
19 practicable physical, mental or psychosocial well-being.
20 However, if the resident needs emergency care, restraints may
21 be used for brief periods to permit medical treatment to
22 proceed unless the facility has notice that the resident has
23 previously made a valid refusal 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. 103-489, eff. 1-1-24.)

1 (210 ILCS 45/2-201) (from Ch. 111 1/2, par. 4152-201)

2 Sec. 2-201. To protect the residents' funds, the facility:

3 (1) Shall at the time of admission provide, in order of
4 priority, each resident, or the resident's guardian, if any,
5 or the resident's representative, if any, or the resident's
6 immediate family member, if any, with a written statement
7 explaining to the resident and to the resident's spouse (a)
8 their spousal impoverishment rights, as defined at Section 5-4
9 of the Illinois Public Aid Code, and at Section 303 of Title
10 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.
11 100-360), (b) their obligation to comply with the asset and
12 income disclosure requirements of Title XIX of the federal
13 Social Security Act and the regulations duly promulgated
14 thereunder, except that this item (b) does not apply to
15 facilities operated by the Illinois Department of Veterans
16 Affairs that do not participate in Medicaid, and (c) the
17 resident's rights regarding personal funds and listing the
18 services for which the resident will be charged. The facility
19 shall obtain a signed acknowledgment from each resident or the
20 resident's guardian, if any, or the resident's representative,
21 if any, or the resident's immediate family member, if any,
22 that such person has received the statement and understands
23 that failure to comply with asset and income disclosure
24 requirements may result in the denial of Medicaid eligibility.

25 (2) May accept funds from a resident for safekeeping and
26 managing, if it receives written authorization from, in order

1 of priority, the resident or the resident's guardian, if any,
2 or the resident's representative, if any, or the resident's
3 immediate family member, if any; such authorization shall be
4 attested to by a witness who has no pecuniary interest in the
5 facility or its operations, and who is not connected in any way
6 to facility personnel or the administrator in any manner
7 whatsoever.

8 (3) Shall maintain and allow, in order of priority, each
9 resident or the resident's guardian, if any, or the resident's
10 representative, if any, or the resident's immediate family
11 member, if any, access to a written record of all financial
12 arrangements and transactions involving the individual
13 resident's funds.

14 (4) Shall provide, in order of priority, each resident, or
15 the resident's guardian, if any, or the resident's
16 representative, if any, or the resident's immediate family
17 member, if any, with a written itemized statement at least
18 quarterly, of all financial transactions involving the
19 resident's funds.

20 (5) Shall purchase a surety bond, or otherwise provide
21 assurance satisfactory to the Departments of Public Health and
22 Insurance that all residents' personal funds deposited with
23 the facility are secure against loss, theft, and insolvency.

24 (6) Shall keep any funds received from a resident for
25 safekeeping in an account separate from the facility's funds,
26 and shall at no time withdraw any part or all of such funds for

1 any purpose other than to return the funds to the resident upon
2 the request of the resident or any other person entitled to
3 make such request, to pay the resident his allowance, or to
4 make any other payment authorized by the resident or any other
5 person entitled to make such authorization.

6 (7) Shall deposit any funds received from a resident in
7 excess of \$100 in an interest bearing account insured by
8 agencies of, or corporations chartered by, the State or
9 federal government. The account shall be in a form which
10 clearly indicates that the facility has only a fiduciary
11 interest in the funds and any interest from the account shall
12 accrue to the resident. The facility may keep up to \$100 of a
13 resident's money in a non-interest bearing account or petty
14 cash fund, to be readily available for the resident's current
15 expenditures.

16 (8) Shall return to the resident, or the person who
17 executed the written authorization required in subsection (2)
18 of this Section, upon written request, all or any part of the
19 resident's funds given the facility for safekeeping, including
20 the interest accrued from deposits.

21 (9) Shall (a) place any monthly allowance to which a
22 resident is entitled in that resident's personal account, or
23 give it to the resident, unless the facility has written
24 authorization from the resident or the resident's guardian or
25 if the resident is a minor, his parent, to handle it
26 differently, (b) take all steps necessary to ensure that a

1 personal needs allowance that is placed in a resident's
2 personal account is used exclusively by the resident or for
3 the benefit of the resident, and (c) where such funds are
4 withdrawn from the resident's personal account by any person
5 other than the resident, require such person to whom funds
6 constituting any part of a resident's personal needs allowance
7 are released, to execute an affidavit that such funds shall be
8 used exclusively for the benefit of the resident.

9 (10) Unless otherwise provided by State law, upon the
10 death of a resident, shall provide the executor or
11 administrator of the resident's estate with a complete
12 accounting of all the resident's personal property, including
13 any funds of the resident being held by the facility.

14 (11) If an adult resident is incapable of managing his
15 funds and does not have a resident's representative, guardian,
16 or an immediate family member, shall notify the Division
17 ~~Office~~ of the State Guardian of the Department of Disability
18 Advocacy and Guardianship ~~and Advocacy Commission~~.

19 (12) If the facility is sold, shall provide the buyer with
20 a written verification by a public accountant of all
21 residents' monies and properties being transferred, and obtain
22 a signed receipt from the new owner.

23 (Source: P.A. 104-234, eff. 8-15-25.)

24 Section 10-67. The Community-Integrated Living
25 Arrangements Licensure and Certification Act is amended by

1 changing Section 9.1 as follows:

2 (210 ILCS 135/9.1)

3 Sec. 9.1. Recipient's funds; protection.

4 (a) To protect a recipient's funds, a service provider:

5 (1) May accept funds from a recipient for safekeeping
6 and management if the service provider receives written
7 authorization from the recipient or the recipient's
8 guardian.

9 (2) Shall maintain a written record of all financial
10 arrangements and transactions involving each individual
11 recipient's funds and shall allow each recipient, or the
12 recipient's guardian, access to that written record.

13 (3) Shall provide, in order of priority, each
14 recipient, or the recipient's guardian, if any, or the
15 recipient's immediate family member, if any, with a
16 written itemized statement of all financial transactions
17 involving the recipient's funds or a copy of the
18 recipient's checking or savings account register for the
19 period. This information shall be provided at least
20 quarterly.

21 (4) Shall purchase and maintain a surety bond or other
22 commercial policy with crime coverage in an amount equal
23 to or greater than all of the recipient's personal funds
24 deposited with the service provider to which employees of
25 the service provider have access to secure against loss,

1 theft, and insolvency. The insurance company that provides
2 the surety bond or commercial policy with crime coverage
3 shall inform the Division of Developmental Disabilities of
4 the Department of Human Services of any reduction or
5 cancellation of the surety bond or commercial policy with
6 crime coverage.

7 (5) Shall keep any funds received from a recipient in
8 an account separate from the service provider's funds for
9 safekeeping, and shall not withdraw all or any part of the
10 recipient's funds unless the service provider is (i)
11 returning the funds to the recipient upon the request of
12 the recipient or any other person entitled to make the
13 request, (ii) paying the recipient his or her allowance,
14 or (iii) making any other payment authorized by the
15 recipient or any other person entitled to make that
16 authorization.

17 (6) Shall deposit any funds received from a recipient
18 in excess of \$100 in an interest-bearing account insured
19 by agencies of, or corporations chartered by, the State or
20 the federal government. The account shall be in a form
21 that clearly indicates that the service provider has only
22 a fiduciary interest in the funds and that any interest
23 earned on funds in the account shall accrue to the
24 recipient. The service provider may keep up to \$100 of a
25 recipient's funds in a non-interest-bearing account or
26 petty cash fund, to be readily available for the

1 recipient's current expenditures.

2 (7) Shall, upon written request of a recipient or the
3 recipient's guardian, return to the recipient or the
4 recipient's guardian of the estate all or any part of the
5 recipient's funds given to the service provider for
6 safekeeping, including the accrued interest earned on the
7 deposits of the recipient's funds.

8 (8) Shall (i) place any monthly allowance that a
9 recipient is entitled to in the recipient's personal
10 account or give the monthly allowance directly to the
11 recipient, unless the service provider has written
12 authorization from the recipient, the recipient's
13 guardian, or the recipient's parent if the recipient is a
14 minor, to handle the monthly allowance differently, (ii)
15 take all steps necessary to ensure that a monthly
16 allowance that is placed in a recipient's personal account
17 is used exclusively by the recipient or for the
18 recipient's benefit, and (iii) require any person other
19 than the recipient who withdraws funds from the
20 recipient's personal account that constitute any portion
21 of the recipient's monthly allowance to execute an
22 affidavit that the funds will be used exclusively for the
23 benefit of the recipient.

24 (9) If an adult recipient is incapable of managing his
25 or her funds and does not have a guardian or immediate
26 family member, the service provider shall notify the

1 Division Office of ~~the~~ State Guardian ~~of the~~ Guardianship
2 ~~and Advocacy Commission.~~

3 (b) Upon the death of a recipient, unless otherwise
4 provided by State law, the service provider shall provide the
5 executor or administrator of the recipient's estate with a
6 complete accounting of all the recipient's personal property,
7 including any funds of the recipient being held by the service
8 provider.

9 (c) If a recipient changes service providers, the former
10 service provider shall provide the new service provider with a
11 written verification by a public accountant of all the
12 recipient's money and property being transferred and shall
13 obtain a signed receipt for the money and property from the new
14 service provider upon transfer of the recipient's money and
15 property.

16 (d) If a service provider is sold, the service provider
17 shall provide the new owner with a written verification by a
18 public accountant of all the recipient's money and property
19 being transferred and shall obtain a signed receipt for the
20 money and property from the new owner upon transfer of the
21 recipient's money and property.

22 (Source: P.A. 98-1073, eff. 8-26-14.)

23 Section 10-70. The MC/DD Act is amended by changing
24 Sections 2-106 and 2-201 as follows:

1 (210 ILCS 46/2-106)

2 Sec. 2-106. Restraints and confinements.

3 (a) For purposes of this Act:

4 (i) A physical restraint is any manual method or
5 physical or mechanical device, material, or equipment
6 attached or adjacent to a resident's body that the
7 resident cannot remove easily and restricts freedom of
8 movement or normal access to one's body. Devices used for
9 positioning, including but not limited to bed rails, gait
10 belts, and cushions, shall not be considered to be
11 restraints for purposes of this Section.

12 (ii) A chemical restraint is any drug used for
13 discipline or convenience and not required to treat
14 medical symptoms. The Department shall by rule, designate
15 certain devices as restraints, including at least all
16 those devices which have been determined to be restraints
17 by the United States Department of Health and Human
18 Services in interpretive guidelines issued for the
19 purposes of administering Titles XVIII and XIX of the
20 Social Security Act.

21 (b) Neither restraints nor confinements shall be employed
22 for the purpose of punishment or for the convenience of any
23 facility personnel. No restraints or confinements shall be
24 employed except as ordered by a physician who documents the
25 need for such restraints or confinements in the resident's
26 clinical record. Each facility licensed under this Act must

1 have a written policy to address the use of restraints and
2 seclusion. The Department shall establish by rule the
3 provisions that the policy must include, which, to the extent
4 practicable, should be consistent with the requirements for
5 participation in the federal Medicare program. Each policy
6 shall include periodic review of the use of restraints.

7 (c) A restraint may be used only with the informed consent
8 of the resident, the resident's guardian, or other authorized
9 representative. A restraint may be used only for specific
10 periods, if it is the least restrictive means necessary to
11 attain and maintain the resident's highest practicable
12 physical, mental or psychosocial well-being ~~well-being~~,
13 including brief periods of time to provide necessary
14 lifesaving ~~life-saving~~ treatment. A restraint may be used only
15 after consultation with appropriate health professionals, such
16 as occupational or physical therapists, and a trial of less
17 restrictive measures has led to the determination that the use
18 of less restrictive measures would not attain or maintain the
19 resident's highest practicable physical, mental or
20 psychosocial well-being ~~well-being~~. However, if the resident
21 needs emergency care, restraints may be used for brief periods
22 to permit medical treatment to proceed unless the facility has
23 notice that the resident has previously made a valid refusal
24 of the treatment in question.

25 (d) A restraint may be applied only by a person trained in
26 the application of the particular type of restraint.

1 (e) Whenever a period of use of a restraint is initiated,
2 the resident shall be advised of his or her right to have a
3 person or organization of his or her choosing, including the
4 Department of Disability Advocacy and Guardianship and
5 ~~Advocacy Commission~~, notified of the use of the restraint. A
6 recipient who is under guardianship may request that a person
7 or organization of his or her choosing be notified of the
8 restraint, whether or not the guardian approves the notice. If
9 the resident so chooses, the facility shall make the
10 notification within 24 hours, including any information about
11 the period of time that the restraint is to be used. Whenever
12 the Department of Disability Advocacy and Guardianship and
13 ~~Advocacy Commission~~ is notified that a resident has been
14 restrained, it shall contact the resident to determine the
15 circumstances of the restraint and whether further action is
16 warranted.

17 (f) Whenever a restraint is used on a resident whose
18 primary mode of communication is sign language, the resident
19 shall be permitted to have his or her hands free from restraint
20 for brief periods each hour, except when this freedom may
21 result in physical harm to the resident or others.

22 (g) The requirements of this Section are intended to
23 control in any conflict with the requirements of Sections
24 1-126 and 2-108 of the Mental Health and Developmental
25 Disabilities Code.

26 (Source: P.A. 99-180, eff. 7-29-15.)

1 (210 ILCS 46/2-201)

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

1 to facility personnel or the administrator in any manner
2 whatsoever.

3 (3) Shall maintain and allow, in order of priority, each
4 resident or the resident's guardian, if any, or the resident's
5 representative, if any, or the resident's immediate family
6 member, if any, access to a written record of all financial
7 arrangements and transactions involving the individual
8 resident's funds.

9 (4) Shall provide, in order of priority, each resident, or
10 the resident's guardian, if any, or the resident's
11 representative, if any, or the resident's immediate family
12 member, if any, with a written itemized statement at least
13 quarterly, of all financial transactions involving the
14 resident's funds.

15 (5) Shall purchase a surety bond, or otherwise provide
16 assurance satisfactory to the Departments of Public Health and
17 Financial and Professional Regulation that all residents'
18 personal funds deposited with the facility are secure against
19 loss, theft, and insolvency.

20 (6) Shall keep any funds received from a resident for
21 safekeeping in an account separate from the facility's funds,
22 and shall at no time withdraw any part or all of such funds for
23 any purpose other than to return the funds to the resident upon
24 the request of the resident or any other person entitled to
25 make such request, to pay the resident his or her allowance, or
26 to make any other payment authorized by the resident or any

1 other person entitled to make such authorization.

2 (7) Shall deposit any funds received from a resident in
3 excess of \$100 in an interest-bearing ~~interest-bearing~~ account
4 insured by agencies of, or corporations chartered by, the
5 State or federal government. The account shall be in a form
6 which clearly indicates that the facility has only a fiduciary
7 interest in the funds and any interest from the account shall
8 accrue to the resident. The facility may keep up to \$100 of a
9 resident's money in a non-interest-bearing account or petty
10 cash fund, to be readily available for the resident's current
11 expenditures.

12 (8) Shall return to the resident, or the person who
13 executed the written authorization required in subsection (2)
14 of this Section, upon written request, all or any part of the
15 resident's funds given the facility for safekeeping, including
16 the interest accrued from deposits.

17 (9) Shall (a) place any monthly allowance to which a
18 resident is entitled in that resident's personal account, or
19 give it to the resident, unless the facility has written
20 authorization from the resident or the resident's guardian or
21 if the resident is a minor, his parent, to handle it
22 differently, (b) take all steps necessary to ensure that a
23 personal needs allowance that is placed in a resident's
24 personal account is used exclusively by the resident or for
25 the benefit of the resident, and (c) where such funds are
26 withdrawn from the resident's personal account by any person

1 other than the resident, require such person to whom funds
2 constituting any part of a resident's personal needs allowance
3 are released, to execute an affidavit that such funds shall be
4 used exclusively for the benefit of the resident.

5 (10) Unless otherwise provided by State law, upon the
6 death of a resident, shall provide the executor or
7 administrator of the resident's estate with a complete
8 accounting of all the resident's personal property, including
9 any funds of the resident being held by the facility.

10 (11) If an adult resident is incapable of managing his or
11 her funds and does not have a resident's representative,
12 guardian, or an immediate family member, shall notify the
13 Division Office of the State Guardian of the Department of
14 Disability Advocacy and Guardianship and Advocacy Commission.

15 (12) If the facility is sold, shall provide the buyer with
16 a written verification by a public accountant of all
17 residents' monies and properties being transferred, and obtain
18 a signed receipt from the new owner.

19 (Source: P.A. 99-180, eff. 7-29-15.)

20 Section 10-75. The ID/DD Community Care Act is amended by
21 changing Sections 2-106 and 2-201 as follows:

22 (210 ILCS 47/2-106)

23 Sec. 2-106. Restraints and confinements.

24 (a) For purposes of this Act:

1 (i) A physical restraint is any manual method or
2 physical or mechanical device, material, or equipment
3 attached or adjacent to a resident's body that the
4 resident cannot remove easily and restricts freedom of
5 movement or normal access to one's body. Devices used for
6 positioning, including but not limited to bed rails, gait
7 belts, and cushions, shall not be considered to be
8 restraints for purposes of this Section.

9 (ii) A chemical restraint is any drug used for
10 discipline or convenience and not required to treat
11 medical symptoms. The Department shall by rule, designate
12 certain devices as restraints, including at least all
13 those devices which have been determined to be restraints
14 by the United States Department of Health and Human
15 Services in interpretive guidelines issued for the
16 purposes of administering Titles XVIII and XIX of the
17 Social Security Act.

18 (b) Neither restraints nor confinements shall be employed
19 for the purpose of punishment or for the convenience of any
20 facility personnel. No restraints or confinements shall be
21 employed except as ordered by a physician who documents the
22 need for such restraints or confinements in the resident's
23 clinical record. Each facility licensed under this Act must
24 have a written policy to address the use of restraints and
25 seclusion. The Department shall establish by rule the
26 provisions that the policy must include, which, to the extent

1 practicable, should be consistent with the requirements for
2 participation in the federal Medicare program. Each policy
3 shall include periodic review of the use of restraints.

4 (c) A restraint may be used only with the informed consent
5 of the resident, the resident's guardian, or other authorized
6 representative. A restraint may be used only for specific
7 periods, if it is the least restrictive means necessary to
8 attain and maintain the resident's highest practicable
9 physical, mental or psychosocial well-being ~~well-being~~,
10 including brief periods of time to provide necessary
11 lifesaving ~~life-saving~~ treatment. A restraint may be used only
12 after consultation with appropriate health professionals, such
13 as occupational or physical therapists, and a trial of less
14 restrictive measures has led to the determination that the use
15 of less restrictive measures would not attain or maintain the
16 resident's highest practicable physical, mental or
17 psychosocial well-being ~~well-being~~. However, if the resident
18 needs emergency care, restraints may be used for brief periods
19 to permit medical treatment to proceed unless the facility has
20 notice that the resident has previously made a valid refusal
21 of the treatment in question.

22 (d) A restraint may be applied only by a person trained in
23 the application of the particular type of restraint.

24 (e) Whenever a period of use of a restraint is initiated,
25 the resident shall be advised of his or her right to have a
26 person or organization of his or her choosing, including the

1 Department of Disability Advocacy and Guardianship and
2 ~~Advocacy Commission~~, notified of the use of the restraint. A
3 recipient who is under guardianship may request that a person
4 or organization of his or her choosing be notified of the
5 restraint, whether or not the guardian approves the notice. If
6 the resident so chooses, the facility shall make the
7 notification within 24 hours, including any information about
8 the period of time that the restraint is to be used. Whenever
9 the Department of Disability Advocacy and Guardianship and
10 ~~Advocacy Commission~~ is notified that a resident has been
11 restrained, it shall contact the resident to determine the
12 circumstances of the restraint and whether further action is
13 warranted.

14 (f) Whenever a restraint is used on a resident whose
15 primary mode of communication is sign language, the resident
16 shall be permitted to have his or her hands free from restraint
17 for brief periods each hour, except when this freedom may
18 result in physical harm to the resident or others.

19 (g) The requirements of this Section are intended to
20 control in any conflict with the requirements of Sections
21 1-126 and 2-108 of the Mental Health and Developmental
22 Disabilities Code.

23 (Source: P.A. 96-339, eff. 7-1-10.)

24 (210 ILCS 47/2-201)

25 Sec. 2-201. Residents' funds. To protect the residents'

1 funds, the facility:

2 (1) Shall at the time of admission provide, in order of
3 priority, each 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, with a written statement
6 explaining to the resident and to the resident's spouse (a)
7 their spousal impoverishment rights, as defined at Section 5-4
8 of the Illinois Public Aid Code, and at Section 303 of Title
9 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.
10 100-360), and (b) the resident's rights regarding personal
11 funds and listing the services for which the resident will be
12 charged. The facility shall obtain a signed acknowledgment
13 from each resident or the resident's guardian, if any, or the
14 resident's representative, if any, or the resident's immediate
15 family member, if any, that such person has received the
16 statement.

17 (2) May accept funds from a resident for safekeeping and
18 managing, if it receives written authorization from, in order
19 of priority, the resident or the resident's guardian, if any,
20 or the resident's representative, if any, or the resident's
21 immediate family member, if any; such authorization shall be
22 attested to by a witness who has no pecuniary interest in the
23 facility or its operations, and who is not connected in any way
24 to facility personnel or the administrator in any manner
25 whatsoever.

26 (3) Shall maintain and allow, in order of priority, each

1 resident or the resident's guardian, if any, or the resident's
2 representative, if any, or the resident's immediate family
3 member, if any, access to a written record of all financial
4 arrangements and transactions involving the individual
5 resident's funds.

6 (4) Shall provide, in order of priority, each resident, or
7 the resident's guardian, if any, or the resident's
8 representative, if any, or the resident's immediate family
9 member, if any, with a written itemized statement at least
10 quarterly, of all financial transactions involving the
11 resident's funds.

12 (5) Shall purchase a surety bond, or otherwise provide
13 assurance satisfactory to the Departments of Public Health and
14 Financial and Professional Regulation that all residents'
15 personal funds deposited with the facility are secure against
16 loss, theft, and insolvency.

17 (6) Shall keep any funds received from a resident for
18 safekeeping in an account separate from the facility's funds,
19 and shall at no time withdraw any part or all of such funds for
20 any purpose other than to return the funds to the resident upon
21 the request of the resident or any other person entitled to
22 make such request, to pay the resident his or her allowance, or
23 to make any other payment authorized by the resident or any
24 other person entitled to make such authorization.

25 (7) Shall deposit any funds received from a resident in
26 excess of \$100 in an interest-bearing ~~interest-bearing~~ account

1 insured by agencies of, or corporations chartered by, the
2 State or federal government. The account shall be in a form
3 which clearly indicates that the facility has only a fiduciary
4 interest in the funds and any interest from the account shall
5 accrue to the resident. The facility may keep up to \$100 of a
6 resident's money in a non-interest-bearing account or petty
7 cash fund, to be readily available for the resident's current
8 expenditures.

9 (8) Shall return to the resident, or the person who
10 executed the written authorization required in subsection (2)
11 of this Section, upon written request, all or any part of the
12 resident's funds given the facility for safekeeping, including
13 the interest accrued from deposits.

14 (9) Shall (a) place any monthly allowance to which a
15 resident is entitled in that resident's personal account, or
16 give it to the resident, unless the facility has written
17 authorization from the resident or the resident's guardian or
18 if the resident is a minor, his parent, to handle it
19 differently, (b) take all steps necessary to ensure that a
20 personal needs allowance that is placed in a resident's
21 personal account is used exclusively by the resident or for
22 the benefit of the resident, and (c) where such funds are
23 withdrawn from the resident's personal account by any person
24 other than the resident, require such person to whom funds
25 constituting any part of a resident's personal needs allowance
26 are released, to execute an affidavit that such funds shall be

1 used exclusively for the benefit of the resident.

2 (10) Unless otherwise provided by State law, upon the
3 death of a resident, shall provide the executor or
4 administrator of the resident's estate with a complete
5 accounting of all the resident's personal property, including
6 any funds of the resident being held by the facility.

7 (11) If an adult resident is incapable of managing his or
8 her funds and does not have a resident's representative,
9 guardian, or an immediate family member, shall notify the
10 Division Office of the State Guardian of the Department of
11 Disability Advocacy and Guardianship and Advocacy Commission.

12 (12) If the facility is sold, shall provide the buyer with
13 a written verification by a public accountant of all
14 residents' monies and properties being transferred, and obtain
15 a signed receipt from the new owner.

16 (Source: P.A. 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10.)

17 Section 10-80. The Hospital Licensing Act is amended by
18 changing Section 9.6 as follows:

19 (210 ILCS 85/9.6)

20 Sec. 9.6. Patient protection from abuse.

21 (a) No administrator, agent, or employee of a hospital or
22 a hospital affiliate, or a member of a hospital's medical
23 staff, may abuse a patient in the hospital or in a facility
24 operated by a hospital affiliate.

1 (b) Any hospital administrator, agent, employee, or
2 medical staff member, or an administrator, employee, or
3 physician employed by a hospital affiliate, who has reasonable
4 cause to believe that any patient with whom he or she has
5 direct contact has been subjected to abuse in the hospital or
6 hospital affiliate shall promptly report or cause a report to
7 be made to a designated hospital administrator responsible for
8 providing such reports to the Department as required by this
9 Section.

10 (c) Retaliation against a person who lawfully and in good
11 faith makes a report under this Section is prohibited.

12 (d) Upon receiving a report under subsection (b) of this
13 Section, the hospital or hospital affiliate shall submit the
14 report to the Department within 24 hours of obtaining such
15 report. In the event that the hospital receives multiple
16 reports involving a single alleged instance of abuse, the
17 hospital shall submit one report to the Department.

18 (e) Upon receiving a report under this Section, the
19 hospital or hospital affiliate shall promptly conduct an
20 internal review to ensure the alleged victim's safety.
21 Measures to protect the alleged victim shall be taken as
22 deemed necessary by the hospital's administrator and may
23 include, but are not limited to, removing suspected violators
24 from further patient contact during the hospital's or hospital
25 affiliate's internal review. If the alleged victim lacks
26 decision-making capacity under the Health Care Surrogate Act

1 and no health care surrogate is available, the hospital or
2 hospital affiliate may contact the Department of Disability
3 Advocacy and Illinois Guardianship and Advocacy Commission to
4 determine the need for a temporary guardian of that person.

5 (f) All internal hospital and hospital affiliate reviews
6 shall be conducted by a designated employee or agent who is
7 qualified to detect abuse and is not involved in the alleged
8 victim's treatment. All internal review findings must be
9 documented and filed according to hospital or hospital
10 affiliate procedures and shall be made available to the
11 Department upon request.

12 (g) Any other person may make a report of patient abuse to
13 the Department if that person has reasonable cause to believe
14 that a patient has been abused in the hospital or hospital
15 affiliate.

16 (h) The report required under this Section shall include:
17 the name of the patient; the name and address of the hospital
18 or hospital affiliate treating the patient; the age of the
19 patient; the nature of the patient's condition, including any
20 evidence of previous injuries or disabilities; and any other
21 information that the reporter believes might be helpful in
22 establishing the cause of the reported abuse and the identity
23 of the person believed to have caused the abuse.

24 (i) Except for willful or wanton misconduct, any
25 individual, person, institution, or agency participating in
26 good faith in the making of a report under this Section, or in

1 the investigation of such a report or in making a disclosure of
2 information concerning reports of abuse under this Section,
3 shall have immunity from any liability, whether civil,
4 professional, or criminal, that otherwise might result by
5 reason of such actions. For the purpose of any proceedings,
6 whether civil, professional, or criminal, the good faith of
7 any persons required to report cases of suspected abuse under
8 this Section or who disclose information concerning reports of
9 abuse in compliance with this Section, shall be presumed.

10 (j) No administrator, agent, or employee of a hospital or
11 hospital affiliate shall adopt or employ practices or
12 procedures designed to discourage good faith reporting of
13 patient abuse under this Section.

14 (k) Every hospital and hospital affiliate shall ensure
15 that all new and existing employees are trained in the
16 detection and reporting of abuse of patients and retrained at
17 least every 2 years thereafter.

18 (l) The Department shall investigate each report of
19 patient abuse made under this Section according to the
20 procedures of the Department, except that a report of abuse
21 which indicates that a patient's life or safety is in imminent
22 danger shall be investigated within 24 hours of such report.
23 Under no circumstances may a hospital's or hospital
24 affiliate's internal review of an allegation of abuse replace
25 an investigation of the allegation by the Department.

26 (m) The Department shall keep a continuing record of all

1 reports made pursuant to this Section, including indications
2 of the final determination of any investigation and the final
3 disposition of all reports. The Department shall inform the
4 investigated hospital or hospital affiliate and any other
5 person making a report under subsection (g) of its final
6 determination or disposition in writing.

7 (n) The Department shall not disclose to the public any
8 information regarding any reports and investigations under
9 this Section unless and until the report of abuse is
10 substantiated following a full and proper investigation.

11 (o) All patient identifiable information in any report or
12 investigation under this Section shall be confidential and
13 shall not be disclosed except as authorized by this Act or
14 other applicable law.

15 (p) Nothing in this Section relieves a hospital or
16 hospital affiliate administrator, employee, agent, or medical
17 staff member from contacting appropriate law enforcement
18 authorities as required by law.

19 (q) Nothing in this Section shall be construed to mean
20 that a patient is a victim of abuse because of health care
21 services provided or not provided by health care
22 professionals.

23 (r) Nothing in this Section shall require a hospital or
24 hospital affiliate, including its employees, agents, and
25 medical staff members, to provide any services to a patient in
26 contravention of his or her stated or implied objection

1 thereto upon grounds that such services conflict with his or
2 her religious beliefs or practices, nor shall such a patient
3 be considered abused under this Section for the exercise of
4 such beliefs or practices.

5 (s) The Department's implementation of this Section is
6 subject to appropriations to the Department for that purpose.

7 (t) As used in this Section, the following terms have the
8 following meanings:

9 "Abuse" means any physical or mental injury or sexual
10 abuse intentionally inflicted by a hospital or hospital
11 affiliate employee, agent, or medical staff member on a
12 patient of the hospital or hospital affiliate and does not
13 include any hospital or hospital affiliate, medical, health
14 care, or other personal care services done in good faith in the
15 interest of the patient according to established medical and
16 clinical standards of care.

17 "Hospital affiliate" has the meaning given to that term in
18 Section 10.8.

19 "Mental injury" means intentionally caused emotional
20 distress in a patient from words or gestures that would be
21 considered by a reasonable person to be humiliating,
22 harassing, or threatening and which causes observable and
23 substantial impairment.

24 "Sexual abuse" means any intentional act of sexual contact
25 or sexual penetration of a patient in the hospital.

26 "Substantiated", with respect to a report of abuse, means

1 that a preponderance of the evidence indicates that abuse
2 occurred.

3 (Source: P.A. 103-803, eff. 1-1-25.)

4 Section 10-85. The Illinois Public Aid Code is amended by
5 changing Section 3-1.2 as follows:

6 (305 ILCS 5/3-1.2) (from Ch. 23, par. 3-1.2)

7 Sec. 3-1.2. Need.

8 (a) Income available to the person, when added to
9 contributions in money, substance, or services from other
10 sources, including contributions from legally responsible
11 relatives, must be insufficient to equal the grant amount
12 established by Department regulation for such person. In
13 determining earned income to be taken into account,
14 consideration shall be given to any expenses reasonably
15 attributable to the earning of such income. If federal law or
16 regulations permit or require exemption of earned or other
17 income and resources, the Illinois Department shall provide by
18 rule and regulation that the amount of income to be
19 disregarded be increased (1) to the maximum extent so required
20 and (2) to the maximum extent permitted by federal law or
21 regulation in effect as of the date this amendatory Act
22 becomes law. The Illinois Department may also provide by rule
23 and regulation that the amount of resources to be disregarded
24 be increased to the maximum extent so permitted or required.

1 (b) Subject to federal approval, resources (for example,
2 land, buildings, equipment, supplies, or tools), including
3 farmland property and personal property used in the
4 income-producing operations related to the farmland (for
5 example, equipment and supplies, motor vehicles, or tools),
6 necessary for self-support, up to \$6,000 of the person's
7 equity in the income-producing property, provided that the
8 property produces a net annual income of at least 6% of the
9 excluded equity value of the property, are exempt. Equity
10 value in excess of \$6,000 shall not be excluded. If the
11 activity produces income that is less than 6% of the exempt
12 equity due to reasons beyond the person's control (for
13 example, the person's illness or crop failure) and there is a
14 reasonable expectation that the property will again produce
15 income equal to or greater than 6% of the equity value (for
16 example, a medical prognosis that the person is expected to
17 respond to treatment or that drought-resistant corn will be
18 planted), the equity value in the property up to \$6,000 is
19 exempt. If the person owns more than one piece of property and
20 each produces income, each piece of property shall be looked
21 at to determine whether the 6% rule is met, and then the
22 amounts of the person's equity in all of those properties
23 shall be totaled to determine whether the total equity is
24 \$6,000 or less. The total equity value of all properties that
25 is exempt shall be limited to \$6,000.

26 (c) In determining the resources of an individual or any

1 dependents, the Department shall exclude from consideration
2 the value of funeral and burial spaces, funeral and burial
3 insurance the proceeds of which can only be used to pay the
4 funeral and burial expenses of the insured and funds
5 specifically set aside for the funeral and burial arrangements
6 of the individual or his or her dependents, including prepaid
7 funeral and burial plans, to the same extent that such items
8 are excluded from consideration under the federal Supplemental
9 Security Income program (SSI). At any time prior to or after
10 submitting an application for medical assistance and before a
11 final determination of eligibility has been made by the
12 Department, an applicant may use available resources to
13 purchase one of the prepaid funeral or burial contracts
14 exempted under this Section.

15 Prepaid funeral or burial contracts are exempt to the
16 following extent:

17 (1) Funds in a revocable prepaid funeral or burial
18 contract are exempt up to \$1,500, except that any portion
19 of a contract that clearly represents the purchase of
20 burial space, as that term is defined for purposes of the
21 Supplemental Security Income program, is exempt regardless
22 of value.

23 (2) Funds in an irrevocable prepaid funeral or burial
24 contract are exempt up to \$7,248, except that any portion
25 of a contract that clearly represents the purchase of
26 burial space, as that term is defined for purposes of the

1 Supplemental Security Income program, is exempt regardless
2 of value. This amount shall be adjusted annually for any
3 increase in the Consumer Price Index. The amount exempted
4 shall be limited to the price of the funeral goods and
5 services to be provided upon death. The contract must
6 provide a complete description of the funeral goods and
7 services to be provided and the price thereof. Any amount
8 in the contract not so specified shall be treated as a
9 transfer of assets for less than fair market value.

10 (3) A prepaid, guaranteed-price funeral or burial
11 contract, funded by an irrevocable assignment of a
12 person's life insurance policy to a trust or a funeral
13 home, is exempt. The amount exempted shall be limited to
14 the amount of the insurance benefit designated for the
15 cost of the funeral goods and services to be provided upon
16 the person's death. The contract must provide a complete
17 description of the funeral goods and services to be
18 provided and the price thereof. Any amount in the contract
19 not so specified shall be treated as a transfer of assets
20 for less than fair market value. The trust must include a
21 statement that, upon the death of the person, the State
22 will receive all amounts remaining in the trust, including
23 any remaining payable proceeds under the insurance policy
24 up to an amount equal to the total medical assistance paid
25 on behalf of the person. The trust is responsible for
26 ensuring that the provider of funeral services under the

1 contract receives the proceeds of the policy when it
2 provides the funeral goods and services specified under
3 the contract. The irrevocable assignment of ownership of
4 the insurance policy must be acknowledged by the insurance
5 company.

6 (4) Existing life insurance policies are exempt if
7 there has been an irrevocable assignment in compliance
8 with Section 2b of the Illinois Funeral or Burial Funds
9 Act. A person shall sign a contract with a funeral home,
10 which is licensed under the Illinois Funeral or Burial
11 Funds Act, that describes the cost of the funeral goods
12 and services to be provided upon the person's death, up to
13 \$7,248, except that any portion of a contract that clearly
14 represents the purchase of burial space, as that term is
15 defined for purposes of the Supplemental Security Income
16 program, is exempt regardless of value. This amount shall
17 be adjusted annually for any increase in the Consumer
18 Price Index. The contract must provide a complete
19 description of the goods and services and any cash
20 advances to be provided and the price thereof. The person
21 shall sign an irrevocable designation of beneficiary form
22 declaring that any amounts payable from the policies not
23 used for goods and services and any cash advances as set
24 forth in the contract shall be received by the State, up to
25 an amount equal to the total medical assistance paid on
26 behalf of the person; any funds remaining after payment to

1 the State shall be paid to a secondary beneficiary (if
2 any) listed on the policy, or to the estate of the
3 purchaser if no secondary beneficiary is named on the
4 policy in the event the proceeds exceed the prearranged
5 costs of merchandise and services and any cash advances
6 and the total medical assistance paid on behalf of the
7 insured. More than one policy may be subject to this
8 subsection if the total face value of the policies is
9 necessary to pay the amount described in the contract with
10 the funeral home; policies that are not necessary to pay
11 the amount described in the contract are not exempt. The
12 licensed funeral home to which the life insurance policy
13 benefits have been irrevocably assigned shall retain
14 copies for inspection by the Comptroller and shall report
15 annually to the Comptroller the following: the name of the
16 insured, the name of the insurance company and policy
17 number, an itemized account of the amount of the contract
18 for goods and services and any cash advances provided, and
19 the current value of the policy of benefits designated
20 with a record of all amounts paid back to the State or
21 other beneficiary. The Department of Healthcare and Family
22 Services shall adopt rules and forms to implement this
23 Section.

24 (d) Notwithstanding any other provision of this Code to
25 the contrary, an irrevocable trust containing the resources of
26 a person who is determined to have a disability shall be

1 considered exempt from consideration. A pooled trust must be
2 established and managed by a non-profit association that pools
3 funds but maintains a separate account for each beneficiary.
4 The trust may be established by the person, a parent,
5 grandparent, legal guardian, or court. It must be established
6 for the sole benefit of the person and language contained in
7 the trust shall stipulate that any amount remaining in the
8 trust (up to the amount expended by the Department on medical
9 assistance) that is not retained by the trust for reasonable
10 administrative costs related to wrapping up the affairs of the
11 subaccount shall be paid to the Department upon the death of
12 the person. After a person reaches age 65, any funding by or on
13 behalf of the person to the trust shall be treated as a
14 transfer of assets for less than fair market value unless the
15 person is a ward of a county public guardian or the Division of
16 State Guardian pursuant to Section 13-5 of the Probate Act of
17 1975 or Section 30 of the Guardianship and Advocacy Act and
18 lives in the community, or the person is a ward of a county
19 public guardian or the Division of State Guardian pursuant to
20 Section 13-5 of the Probate Act of 1975 or Section 30 of the
21 Guardianship and Advocacy Act and a court has found that any
22 expenditures from the trust will maintain or enhance the
23 person's quality of life. If the trust contains proceeds from
24 a personal injury settlement, any Department charge must be
25 satisfied in order for the transfer to the trust to be treated
26 as a transfer for fair market value.

1 (e) The homestead shall be exempt from consideration
2 except to the extent that it meets the income and shelter needs
3 of the person. "Homestead" means the dwelling house and
4 contiguous real estate owned and occupied by the person,
5 regardless of its value. Subject to federal approval, a person
6 shall not be eligible for long-term care services, however, if
7 the person's equity interest in his or her homestead exceeds
8 the minimum home equity as allowed and increased annually
9 under federal law. Subject to federal approval, on and after
10 the effective date of this amendatory Act of the 97th General
11 Assembly, homestead property transferred to a trust shall no
12 longer be considered homestead property.

13 (f) Occasional or irregular gifts in cash, goods or
14 services from persons who are not legally responsible
15 relatives which are of nominal value or which do not have
16 significant effect in meeting essential requirements shall be
17 disregarded.

18 (g) The eligibility of any applicant for or recipient of
19 public aid under this Article is not affected by the payment of
20 any grant under the "Senior Citizens and Disabled Persons
21 Property Tax Relief Act" or any distributions or items of
22 income described under subparagraph (X) of paragraph (2) of
23 subsection (a) of Section 203 of the Illinois Income Tax Act.

24 (h) The Illinois Department may, after appropriate
25 investigation, establish and implement a consolidated standard
26 to determine need and eligibility for and amount of benefits

1 under this Article or a uniform cash supplement to the federal
2 Supplemental Security Income program for all or any part of
3 the then current recipients under this Article; provided,
4 however, that the establishment or implementation of such a
5 standard or supplement shall not result in reductions in
6 benefits under this Article for the then current recipients of
7 such benefits.

8 (i) The provisions under paragraph (4) of subsection (c)
9 are subject to federal approval. The Department of Healthcare
10 and Family Services shall apply for any necessary federal
11 waivers or approvals to implement by January 1, 2023 the
12 changes made to this Section by this amendatory Act of the
13 102nd General Assembly.

14 (Source: P.A. 102-959, eff. 5-27-22.)

15 Section 10-90. The Adult Protective Services Act is
16 amended by changing Sections 2 and 3.5 as follows:

17 (320 ILCS 20/2) (from Ch. 23, par. 6602)

18 Sec. 2. Definitions. As used in this Act, unless the
19 context requires otherwise:

20 (a) "Abandonment" means the desertion or willful forsaking
21 of an eligible adult by an individual responsible for the care
22 and custody of that eligible adult under circumstances in
23 which a reasonable person would continue to provide care and
24 custody. Nothing in this Act shall be construed to mean that an

1 eligible adult is a victim of abandonment because of health
2 care services provided or not provided by licensed health care
3 professionals.

4 (a-1) "Abuse" means causing any physical, mental or sexual
5 injury to an eligible adult, including exploitation of such
6 adult's financial resources, and abandonment or subjecting an
7 eligible adult to an environment which creates a likelihood of
8 harm to the eligible adult's health, physical and emotional
9 well-being, or welfare.

10 Nothing in this Act shall be construed to mean that an
11 eligible adult is a victim of abuse, abandonment, neglect, or
12 self-neglect for the sole reason that he or she is being
13 furnished with or relies upon treatment by spiritual means
14 through prayer alone, in accordance with the tenets and
15 practices of a recognized church or religious denomination.

16 Nothing in this Act shall be construed to mean that an
17 eligible adult is a victim of abuse because of health care
18 services provided or not provided by licensed health care
19 professionals.

20 Nothing in this Act shall be construed to mean that an
21 eligible adult is a victim of abuse in cases of criminal
22 activity by strangers, telemarketing scams, consumer fraud,
23 internet fraud, home repair disputes, complaints against a
24 homeowners' association, or complaints between landlords and
25 tenants.

26 (a-5) "Abuser" means a person who is a family member,

1 caregiver, or another person who has a continuing relationship
2 with the eligible adult and abuses, abandons, neglects, or
3 financially exploits an eligible adult.

4 (a-6) "Adult with disabilities" means a person aged 18
5 through 59 who resides in a domestic living situation and
6 whose disability as defined in subsection (c-5) impairs his or
7 her ability to seek or obtain protection from abuse,
8 abandonment, neglect, or exploitation.

9 (a-7) "Caregiver" means a person who either as a result of
10 a family relationship, voluntarily, or in exchange for
11 compensation has assumed responsibility for all or a portion
12 of the care of an eligible adult who needs assistance with
13 activities of daily living or instrumental activities of daily
14 living.

15 (b) "Department" means the Department on Aging of the
16 State of Illinois.

17 (c) "Director" means the Director of the Department.

18 (c-5) "Disability" means a physical or mental disability,
19 including, but not limited to, a developmental disability, an
20 intellectual disability, a mental illness as defined under the
21 Mental Health and Developmental Disabilities Code, or dementia
22 as defined under the Alzheimer's Disease Assistance Act.

23 (d) "Domestic living situation" means a residence where
24 the eligible adult at the time of the report lives alone or
25 with his or her family or a caregiver, or others, or other
26 community-based unlicensed facility, but is not:

1 (1) A licensed facility as defined in Section 1-113 of
2 the Nursing Home Care Act;

3 (1.5) A facility licensed under the ID/DD Community
4 Care Act;

5 (1.6) A facility licensed under the MC/DD Act;

6 (1.7) A facility licensed under the Specialized Mental
7 Health Rehabilitation Act of 2013;

8 (2) A "life care facility" as defined in the Life Care
9 Facilities Act;

10 (3) A home, institution, or other place operated by
11 the federal government or agency thereof or by the State
12 of Illinois;

13 (4) A hospital, sanitarium, or other institution, the
14 principal activity or business of which is the diagnosis,
15 care, and treatment of human illness through the
16 maintenance and operation of organized facilities
17 therefor, which is required to be licensed under the
18 Hospital Licensing Act;

19 (5) A "community living facility" as defined in the
20 Community Living Facilities Licensing Act;

21 (6) (Blank);

22 (7) A "community-integrated living arrangement" as
23 defined in the Community-Integrated Living Arrangements
24 Licensure and Certification Act or a "community
25 residential alternative" as licensed under that Act;

26 (8) An assisted living or shared housing establishment

1 as defined in the Assisted Living and Shared Housing Act;

2 or

3 (9) A supportive living facility as described in
4 Section 5-5.01a of the Illinois Public Aid Code.

5 (e) "Eligible adult" means either an adult with
6 disabilities aged 18 through 59 or a person aged 60 or older
7 who resides in a domestic living situation and is, or is
8 alleged to be, abused, abandoned, neglected, or financially
9 exploited by another individual or who neglects himself or
10 herself. "Eligible adult" also includes an adult who resides
11 in any of the facilities that are excluded from the definition
12 of "domestic living situation" under paragraphs (1) through
13 (9) of subsection (d), if either: (i) the alleged abuse,
14 abandonment, or neglect occurs outside of the facility and not
15 under facility supervision and the alleged abuser is a family
16 member, caregiver, or another person who has a continuing
17 relationship with the adult; or (ii) the alleged financial
18 exploitation is perpetrated by a family member, caregiver, or
19 another person who has a continuing relationship with the
20 adult, but who is not an employee of the facility where the
21 adult resides.

22 (f) "Emergency" means a situation in which an eligible
23 adult is living in conditions presenting a risk of death or
24 physical, mental or sexual injury and the provider agency has
25 reason to believe the eligible adult is unable to consent to
26 services which would alleviate that risk.

1 (f-1) "Financial exploitation" means the use of an
2 eligible adult's resources by another to the disadvantage of
3 that adult or the profit or advantage of a person other than
4 that adult.

5 (f-3) "Investment advisor" means any person required to
6 register as an investment adviser or investment adviser
7 representative under Section 8 of the Illinois Securities Law
8 of 1953, which for purposes of this Act excludes any bank,
9 trust company, savings bank, or credit union, or their
10 respective employees.

11 (f-5) "Mandated reporter" means any of the following
12 persons while engaged in carrying out their professional
13 duties:

14 (1) a professional or professional's delegate while
15 engaged in: (i) social services, (ii) law enforcement,
16 (iii) education, (iv) the care of an eligible adult or
17 eligible adults, or (v) any of the occupations required to
18 be licensed under the Behavior Analyst Licensing Act, the
19 Clinical Psychologist Licensing Act, the Clinical Social
20 Work and Social Work Practice Act, the Illinois Dental
21 Practice Act, the Dietitian Nutritionist Practice Act, the
22 Marriage and Family Therapy Licensing Act, the Medical
23 Practice Act of 1987, the Naprapathic Practice Act, the
24 Nurse Practice Act, the Nursing Home Administrators
25 Licensing and Disciplinary Act, the Illinois Occupational
26 Therapy Practice Act, the Illinois Optometric Practice Act

1 of 1987, the Pharmacy Practice Act, the Illinois Physical
2 Therapy Act, the Physician Assistant Practice Act of 1987,
3 the Podiatric Medical Practice Act of 1987, the
4 Respiratory Care Practice Act, the Professional Counselor
5 and Clinical Professional Counselor Licensing and Practice
6 Act, the Illinois Speech-Language Pathology and Audiology
7 Practice Act, the Veterinary Medicine and Surgery Practice
8 Act of 2004, and the Illinois Public Accounting Act;

9 (1.5) an employee of an entity providing developmental
10 disabilities services or service coordination funded by
11 the Department of Human Services;

12 (2) an employee of a vocational rehabilitation
13 facility prescribed or supervised by the Department of
14 Human Services;

15 (3) an administrator, employee, or person providing
16 services in or through an unlicensed community based
17 facility;

18 (4) any religious practitioner who provides treatment
19 by prayer or spiritual means alone in accordance with the
20 tenets and practices of a recognized church or religious
21 denomination, except as to information received in any
22 confession or sacred communication enjoined by the
23 discipline of the religious denomination to be held
24 confidential;

25 (5) field personnel of the Department of Healthcare
26 and Family Services, Department of Public Health, and

1 Department of Human Services, and any county or municipal
2 health department;

3 (6) personnel of the Department of Human Services, the
4 Department of Disability Advocacy and Guardianship and
5 ~~Advocacy Commission~~, the State Fire Marshal, local fire
6 departments, the Department on Aging and its subsidiary
7 Area Agencies on Aging and provider agencies, except the
8 State Long Term Care Ombudsman and any of his or her
9 representatives or volunteers where prohibited from making
10 such a report pursuant to 45 CFR 1324.11(e)(3)(iv);

11 (7) any employee of the State of Illinois not
12 otherwise specified herein who is involved in providing
13 services to eligible adults, including professionals
14 providing medical or rehabilitation services and all other
15 persons having direct contact with eligible adults;

16 (8) a person who performs the duties of a coroner or
17 medical examiner;

18 (9) a person who performs the duties of a paramedic or
19 an emergency medical technician; or

20 (10) a person who performs the duties of an investment
21 advisor.

22 (g) "Neglect" means another individual's failure to
23 provide an eligible adult with or willful withholding from an
24 eligible adult the necessities of life including, but not
25 limited to, food, clothing, shelter or health care. This
26 subsection does not create any new affirmative duty to provide

1 support to eligible adults. Nothing in this Act shall be
2 construed to mean that an eligible adult is a victim of neglect
3 because of health care services provided or not provided by
4 licensed health care professionals.

5 (h) "Provider agency" means any public or nonprofit agency
6 in a planning and service area that is selected by the
7 Department or appointed by the regional administrative agency
8 with prior approval by the Department on Aging to receive and
9 assess reports of alleged or suspected abuse, abandonment,
10 neglect, or financial exploitation. A provider agency is also
11 referenced as a "designated agency" in this Act.

12 (i) "Regional administrative agency" means any public or
13 nonprofit agency in a planning and service area that provides
14 regional oversight and performs functions as set forth in
15 subsection (b) of Section 3 of this Act. The Department shall
16 designate an Area Agency on Aging as the regional
17 administrative agency or, in the event the Area Agency on
18 Aging in that planning and service area is deemed by the
19 Department to be unwilling or unable to provide those
20 functions, the Department may serve as the regional
21 administrative agency or designate another qualified entity to
22 serve as the regional administrative agency; any such
23 designation shall be subject to terms set forth by the
24 Department.

25 (i-5) "Self-neglect" means a condition that is the result
26 of an eligible adult's inability, due to physical or mental

1 impairments, or both, or a diminished capacity, to perform
2 essential self-care tasks that substantially threaten his or
3 her own health, including: providing essential food, clothing,
4 shelter, and health care; and obtaining goods and services
5 necessary to maintain physical health, mental health,
6 emotional well-being, and general safety. The term includes
7 compulsive hoarding, which is characterized by the acquisition
8 and retention of large quantities of items and materials that
9 produce an extensively cluttered living space, which
10 significantly impairs the performance of essential self-care
11 tasks or otherwise substantially threatens life or safety.

12 (j) "Substantiated case" means a reported case of alleged
13 or suspected abuse, abandonment, neglect, financial
14 exploitation, or self-neglect in which a provider agency,
15 after assessment, determines that there is reason to believe
16 abuse, abandonment, neglect, or financial exploitation has
17 occurred.

18 (k) "Verified" means a determination that there is "clear
19 and convincing evidence" that the specific injury or harm
20 alleged was the result of abuse, abandonment, neglect, or
21 financial exploitation.

22 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22;
23 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)

24 (320 ILCS 20/3.5)

25 Sec. 3.5. Other responsibilities. The Department shall

1 also be responsible for the following activities, contingent
2 upon adequate funding; implementation shall be expanded to
3 adults with disabilities upon the effective date of this
4 amendatory Act of the 98th General Assembly, except those
5 responsibilities under subsection (a), which shall be
6 undertaken as soon as practicable:

7 (a) promotion of a wide range of endeavors for the
8 purpose of preventing abuse, abandonment, neglect,
9 financial exploitation, and self-neglect, including, but
10 not limited to, promotion of public and professional
11 education to increase awareness of abuse, abandonment,
12 neglect, financial exploitation, and self-neglect; to
13 increase reports; to establish access to and use of the
14 Registry established under Section 7.5; and to improve
15 response by various legal, financial, social, and health
16 systems;

17 (b) coordination of efforts with other agencies,
18 councils, and like entities, to include but not be limited
19 to, the Administrative Office of the Illinois Courts, the
20 Office of the Attorney General, the Illinois State Police,
21 the Illinois Law Enforcement Training Standards Board, the
22 State Triad, the Illinois Criminal Justice Information
23 Authority, the Departments of Public Health, Healthcare
24 and Family Services, and Human Services, the Department of
25 Disability Advocacy and Illinois Guardianship and Advocacy
26 Commission, the Family Violence Coordinating Council, the

1 Illinois Violence Prevention Authority, and other entities
2 which may impact awareness of, and response to, abuse,
3 abandonment, neglect, financial exploitation, and
4 self-neglect;

5 (c) collection and analysis of data;

6 (d) monitoring of the performance of regional
7 administrative agencies and adult protective services
8 agencies;

9 (e) promotion of prevention activities;

10 (f) establishing and coordinating an aggressive
11 training program on the unique nature of adult abuse cases
12 with other agencies, councils, and like entities, to
13 include but not be limited to the Office of the Attorney
14 General, the Illinois State Police, the Illinois Law
15 Enforcement Training Standards Board, the State Triad, the
16 Illinois Criminal Justice Information Authority, the State
17 Departments of Public Health, Healthcare and Family
18 Services, and Human Services, the Family Violence
19 Coordinating Council, the Illinois Violence Prevention
20 Authority, the agency designated by the Governor under
21 Section 1 of the Protection and Advocacy for Persons with
22 Developmental Disabilities Act, and other entities that
23 may impact awareness of and response to abuse,
24 abandonment, neglect, financial exploitation, and
25 self-neglect;

26 (g) solicitation of financial institutions for the

1 purpose of making information available to the general
2 public warning of financial exploitation of adults and
3 related financial fraud or abuse, including such
4 information and warnings available through signage or
5 other written materials provided by the Department on the
6 premises of such financial institutions, provided that the
7 manner of displaying or distributing such information is
8 subject to the sole discretion of each financial
9 institution; and

10 (g-1) developing by joint rulemaking with the
11 Department of Financial and Professional Regulation
12 minimum training standards which shall be used by
13 financial institutions for their current and new employees
14 with direct customer contact; the Department of Financial
15 and Professional Regulation shall retain sole visitation
16 and enforcement authority under this subsection (g-1); the
17 Department of Financial and Professional Regulation shall
18 provide bi-annual reports to the Department setting forth
19 aggregate statistics on the training programs required
20 under this subsection (g-1).

21 (Source: P.A. 102-244, eff. 1-1-22; 102-538, eff. 8-20-21;
22 102-813, eff. 5-13-22; 103-626, eff. 1-1-25.)

23 Section 10-95. The Mental Health and Developmental
24 Disabilities Code is amended by changing Sections 2-103,
25 2-108, 2-109, 2-114, 2-200, 2-201, 3-206, 3-405, 3-805, 3-910,

1 4-201.1, 4-203, 4-605, and 5-100 as follows:

2 (405 ILCS 5/2-103) (from Ch. 91 1/2, par. 2-103)

3 Sec. 2-103. Except as provided in this Section, a
4 recipient who resides in a mental health or developmental
5 disabilities facility shall be permitted unimpeded, private,
6 and uncensored communication with persons of his choice by
7 mail, telephone and visitation.

8 (a) The facility director shall ensure that correspondence
9 can be conveniently received and mailed, that telephones are
10 reasonably accessible, and that space for visits is available.
11 Writing materials, postage and telephone usage funds shall be
12 provided in reasonable amounts to recipients who reside in
13 Department facilities and who are unable to procure such
14 items.

15 (b) Reasonable times and places for the use of telephones
16 and for visits may be established in writing by the facility
17 director.

18 (c) Unimpeded, private and uncensored communication by
19 mail, telephone, and visitation may be reasonably restricted
20 by the facility director only in order to protect the
21 recipient or others from harm, harassment or intimidation,
22 provided that notice of such restriction shall be given to all
23 recipients upon admission. When communications are restricted,
24 the facility shall advise the recipient that he has the right
25 to require the facility to notify the affected parties of the

1 restriction, and to notify such affected party when the
2 restrictions are no longer in effect. However, all letters
3 addressed by a recipient to the Governor, members of the
4 General Assembly, Attorney General, judges, state's attorneys,
5 the Department of Disability Advocacy and Guardianship and
6 ~~Advocacy Commission~~, or the Agency designated pursuant to "An
7 Act in relation to the protection and advocacy of the rights of
8 persons with developmental disabilities, and amending Acts
9 therein named", approved September 20, 1985, officers of the
10 Department, or licensed attorneys at law must be forwarded at
11 once to the persons to whom they are addressed without
12 examination by the facility authorities. Letters in reply from
13 the officials and attorneys mentioned above must be delivered
14 to the recipient without examination by the facility
15 authorities.

16 (d) No facility shall prevent any attorney who represents
17 a recipient or who has been requested to do so by any relative
18 or family member of the recipient, from visiting a recipient
19 during normal business hours, unless that recipient refuses to
20 meet with the attorney.

21 (e) Whenever, as the result of the closing or the
22 reduction in the number of units or available beds of any
23 mental health facility operated by the Department of Human
24 Services, the State determines to enter into a contract with
25 any mental health facility to provide hospitalization to
26 persons who would otherwise be served by the State-operated

1 mental health facility, the resident shall be entitled to the
2 same rights under this Section.

3 (Source: P.A. 97-1007, eff. 8-17-12.)

4 (405 ILCS 5/2-108) (from Ch. 91 1/2, par. 2-108)

5 Sec. 2-108. Use of restraint. Restraint may be used only
6 as a therapeutic measure to prevent a recipient from causing
7 physical harm to himself or physical abuse to others.
8 Restraint may only be applied by a person who has been trained
9 in the application of the particular type of restraint to be
10 utilized. In no event shall restraint be utilized to punish or
11 discipline a recipient, nor is restraint to be used as a
12 convenience for the staff.

13 (a) Except as provided in this Section, restraint shall be
14 employed only upon the written order of a physician, clinical
15 psychologist, clinical social worker, clinical professional
16 counselor, advanced practice psychiatric nurse, or registered
17 nurse with supervisory responsibilities. No restraint shall be
18 ordered unless the physician, clinical psychologist, clinical
19 social worker, clinical professional counselor, advanced
20 practice psychiatric nurse, or registered nurse with
21 supervisory responsibilities, after personally observing and
22 examining the recipient, is clinically satisfied that the use
23 of restraint is justified to prevent the recipient from
24 causing physical harm to himself or others. In no event may
25 restraint continue for longer than 2 hours unless within that

1 time period a nurse with supervisory responsibilities,
2 advanced practice psychiatric nurse, or a physician confirms,
3 in writing, following a personal examination of the recipient,
4 that the restraint does not pose an undue risk to the
5 recipient's health in light of the recipient's physical or
6 medical condition. The order shall state the events leading up
7 to the need for restraint and the purposes for which restraint
8 is employed. The order shall also state the length of time
9 restraint is to be employed and the clinical justification for
10 that length of time. No order for restraint shall be valid for
11 more than 16 hours. If further restraint is required, a new
12 order must be issued pursuant to the requirements provided in
13 this Section.

14 (b) In the event there is an emergency requiring the
15 immediate use of restraint, it may be ordered temporarily by a
16 qualified person only where a physician, clinical
17 psychologist, clinical social worker, clinical professional
18 counselor, advanced practice psychiatric nurse, or registered
19 nurse with supervisory responsibilities is not immediately
20 available. In that event, an order by a nurse, clinical
21 psychologist, clinical social worker, clinical professional
22 counselor, advanced practice psychiatric nurse, or physician
23 shall be obtained pursuant to the requirements of this Section
24 as quickly as possible, and the recipient shall be examined by
25 a physician or supervisory nurse within 2 hours after the
26 initial employment of the emergency restraint. Whoever orders

1 restraint in emergency situations shall document its necessity
2 and place that documentation in the recipient's record.

3 (c) The person who orders restraint shall inform the
4 facility director or his designee in writing of the use of
5 restraint within 24 hours.

6 (d) The facility director shall review all restraint
7 orders daily and shall inquire into the reasons for the orders
8 for restraint by any person who routinely orders them.

9 (e) Restraint may be employed during all or part of one
10 24-hour ~~24-hour~~ period, the period commencing with the initial
11 application of the restraint. However, once restraint has been
12 employed during one 24-hour ~~24-hour~~ period, it shall not be
13 used again on the same recipient during the next 48 hours
14 without the prior written authorization of the facility
15 director.

16 (f) Restraint shall be employed in a humane and
17 therapeutic manner and the person being restrained shall be
18 observed by a qualified person as often as is clinically
19 appropriate but in no event less than once every 15 minutes.
20 The qualified person shall maintain a record of the
21 observations. Specifically, unless there is an immediate
22 danger that the recipient will physically harm himself or
23 others, restraint shall be loosely applied to permit freedom
24 of movement. Further, the recipient shall be permitted to have
25 regular meals and toilet privileges free from the restraint,
26 except when freedom of action may result in physical harm to

1 the recipient or others.

2 (g) Every facility that employs restraint shall provide
3 training in the safe and humane application of each type of
4 restraint employed. The facility shall not authorize the use
5 of any type of restraint by an employee who has not received
6 training in the safe and humane application of that type of
7 restraint. Each facility in which restraint is used shall
8 maintain records detailing which employees have been trained
9 and are authorized to apply restraint, the date of the
10 training and the type of restraint that the employee was
11 trained to use.

12 (h) Whenever restraint is imposed upon any recipient whose
13 primary mode of communication is sign language, the recipient
14 shall be permitted to have his hands free from restraint for
15 brief periods each hour, except when freedom may result in
16 physical harm to the recipient or others.

17 (i) A recipient who is restrained may only be secluded at
18 the same time pursuant to an explicit written authorization as
19 provided in Section 2-109 of this Code. Whenever a recipient
20 is restrained, a member of the facility staff shall remain
21 with the recipient at all times unless the recipient has been
22 secluded. A recipient who is restrained and secluded shall be
23 observed by a qualified person as often as is clinically
24 appropriate but in no event less than every 15 minutes.

25 (j) Whenever restraint is used, the recipient shall be
26 advised of his right, pursuant to Sections 2-200 and 2-201 of

1 this Code, to have any person of his choosing, including the
2 Department of Disability Advocacy and Guardianship ~~and~~
3 ~~Advocacy Commission~~ or the agency designated pursuant to the
4 Protection and Advocacy for Persons with Developmental
5 Disabilities Act notified of the restraint. A recipient who is
6 under guardianship may request that any person of his choosing
7 be notified of the restraint whether or not the guardian
8 approves of the notice. Whenever the Department of Disability
9 Advocacy and Guardianship ~~and Advocacy Commission~~ is notified
10 that a recipient has been restrained, it shall contact that
11 recipient to determine the circumstances of the restraint and
12 whether further action is warranted.

13 (Source: P.A. 101-587, eff. 1-1-20.)

14 (405 ILCS 5/2-109) (from Ch. 91 1/2, par. 2-109)

15 Sec. 2-109. Seclusion. Seclusion may be used only as a
16 therapeutic measure to prevent a recipient from causing
17 physical harm to himself or physical abuse to others. In no
18 event shall seclusion be utilized to punish or discipline a
19 recipient, nor is seclusion to be used as a convenience for the
20 staff.

21 (a) Seclusion shall be employed only upon the written
22 order of a physician, clinical psychologist, clinical social
23 worker, clinical professional counselor, advanced practice
24 psychiatric nurse, or registered nurse with supervisory
25 responsibilities. No seclusion shall be ordered unless the

1 physician, clinical psychologist, clinical social worker,
2 clinical professional counselor, advanced practice psychiatric
3 nurse, or registered nurse with supervisory responsibilities,
4 after personally observing and examining the recipient, is
5 clinically satisfied that the use of seclusion is justified to
6 prevent the recipient from causing physical harm to himself or
7 others. In no event may seclusion continue for longer than 2
8 hours unless within that time period a nurse with supervisory
9 responsibilities, advanced practice psychiatric nurse, or a
10 physician confirms in writing, following a personal
11 examination of the recipient, that the seclusion does not pose
12 an undue risk to the recipient's health in light of the
13 recipient's physical or medical condition. The order shall
14 state the events leading up to the need for seclusion and the
15 purposes for which seclusion is employed. The order shall also
16 state the length of time seclusion is to be employed and the
17 clinical justification for the length of time. No order for
18 seclusion shall be valid for more than 16 hours. If further
19 seclusion is required, a new order must be issued pursuant to
20 the requirements provided in this Section.

21 (b) The person who orders seclusion shall inform the
22 facility director or his designee in writing of the use of
23 seclusion within 24 hours.

24 (c) The facility director shall review all seclusion
25 orders daily and shall inquire into the reasons for the orders
26 for seclusion by any person who routinely orders them.

1 (d) Seclusion may be employed during all or part of one
2 16-hour ~~16-hour~~ period, that period commencing with the
3 initial application of the seclusion. However, once seclusion
4 has been employed during one 16-hour ~~16-hour~~ period, it shall
5 not be used again on the same recipient during the next 48
6 hours without the prior written authorization of the facility
7 director.

8 (e) The person who ordered the seclusion shall assign a
9 qualified person to observe the recipient at all times. A
10 recipient who is restrained and secluded shall be observed by
11 a qualified person as often as is clinically appropriate but
12 in no event less than once every 15 minutes.

13 (f) Safety precautions shall be followed to prevent
14 injuries to the recipient in the seclusion room. Seclusion
15 rooms shall be adequately lighted, heated, and furnished. If a
16 door is locked, someone with a key shall be in constant
17 attendance nearby.

18 (g) Whenever seclusion is used, the recipient shall be
19 advised of his right, pursuant to Sections 2-200 and 2-201 of
20 this Code, to have any person of his choosing, including the
21 Department of Disability Advocacy and Guardianship and
22 Advocacy Commission notified of the seclusion. A person who is
23 under guardianship may request that any person of his choosing
24 be notified of the seclusion whether or not the guardian
25 approves of the notice. Whenever the Department of Disability
26 Advocacy and Guardianship and Advocacy Commission is notified

1 that a recipient has been secluded, it shall contact that
2 recipient to determine the circumstances of the seclusion and
3 whether further action is warranted.

4 (Source: P.A. 101-587, eff. 1-1-20.)

5 (405 ILCS 5/2-114) (from Ch. 91 1/2, par. 2-114)

6 Sec. 2-114. (a) Whenever an attorney or other advocate
7 from the Department of Disability Advocacy and Guardianship
8 ~~and Advocacy Commission~~ or the agency designated by the
9 Governor under Section 1 of the Protection and Advocacy for
10 Persons with Developmental Disabilities Act or any other
11 attorney advises a facility in which a recipient is receiving
12 inpatient mental health services that he is presently
13 representing the recipient, or has been appointed by any court
14 or administrative agency to do so or has been requested to
15 represent the recipient by a member of the recipient's family,
16 the facility shall, subject to the provisions of Section 2-113
17 of this Code, disclose to the attorney or advocate whether the
18 recipient is presently residing in the facility and, if so,
19 how the attorney or advocate may communicate with the
20 recipient.

21 (b) The facility may take reasonable precautions to
22 identify the attorney or advocate. No further information
23 shall be disclosed to the attorney or advocate except in
24 conformity with the authorization procedures contained in the
25 Mental Health and Developmental Disabilities Confidentiality

1 Act.

2 (c) Whenever the location of the recipient has been
3 disclosed to an attorney or advocate, the facility director
4 shall inform the recipient of that fact and shall note this
5 disclosure in the recipient's records.

6 (d) An attorney or advocate who receives any information
7 under this Section may not disclose this information to anyone
8 else without the written consent of the recipient obtained
9 pursuant to Section 5 of the Mental Health and Developmental
10 Disabilities Confidentiality Act.

11 (Source: P.A. 99-143, eff. 7-27-15.)

12 (405 ILCS 5/2-200) (from Ch. 91 1/2, par. 2-200)

13 Sec. 2-200. (a) Upon commencement of services, or as soon
14 thereafter as the condition of the recipient permits, every
15 adult recipient, as well as the recipient's guardian or
16 substitute decision maker, and every recipient who is 12 years
17 of age or older and the parent or guardian of a minor or person
18 under guardianship shall be informed orally and in writing of
19 the rights guaranteed by this Chapter which are relevant to
20 the nature of the recipient's services program. The notice
21 shall include, if applicable, the recipient's right to request
22 a transfer to a different Department facility under Section
23 3-908. Every facility shall also post conspicuously in public
24 areas a summary of the rights which are relevant to the
25 services delivered by that facility as well as contact

1 information for the Department of Disability Advocacy and
2 Guardianship and Advocacy Commission and the agency designated
3 by the Governor under Section 1 of the Protection and Advocacy
4 for Persons with Developmental Disabilities Act.

5 (b) A recipient who is 12 years of age or older and the
6 parent or guardian of a minor or person under guardianship at
7 any time may designate, and upon commencement of services
8 shall be informed of the right to designate, a person or agency
9 to receive notice under Section 2-201 or to direct that no
10 information about the recipient be disclosed to any person or
11 agency.

12 (c) Upon commencement of services, or as soon thereafter
13 as the condition of the recipient permits, the facility shall
14 ask the adult recipient or minor recipient admitted pursuant
15 to Section 3-502 whether the recipient wants the facility to
16 contact the recipient's spouse, parents, guardian, close
17 relatives, friends, attorney, advocate from the Department of
18 Disability Advocacy and ~~Guardianship and Advocacy Commission~~
19 or the agency designated by the Governor under Section 1 of the
20 Protection and Advocacy for Persons with Developmental
21 Disabilities Act, or others and inform them of the recipient's
22 presence at the facility. The facility shall by phone or by
23 mail contact at least two of those people designated by the
24 recipient and shall inform them of the recipient's location.
25 If the recipient so requests, the facility shall also inform
26 them of how to contact the recipient.

1 (d) Upon commencement of services, or as soon thereafter
2 as the condition of the recipient permits, the facility shall
3 advise the recipient as to the circumstances under which the
4 law permits the use of emergency forced medication or
5 electroconvulsive therapy under subsection (a) of Section
6 2-107, restraint under Section 2-108, or seclusion under
7 Section 2-109. At the same time, the facility shall inquire of
8 the recipient which form of intervention the recipient would
9 prefer if any of these circumstances should arise. The
10 recipient's preference shall be noted in the recipient's
11 record and communicated by the facility to the recipient's
12 guardian or substitute decision maker, if any, and any other
13 individual designated by the recipient. If any such
14 circumstances subsequently do arise, the facility shall give
15 due consideration to the preferences of the recipient
16 regarding which form of intervention to use as communicated to
17 the facility by the recipient or as stated in the recipient's
18 advance directive.

19 (Source: P.A. 102-593, eff. 8-27-21.)

20 (405 ILCS 5/2-201) (from Ch. 91 1/2, par. 2-201)

21 Sec. 2-201. (a) Whenever any rights of a recipient of
22 services that are specified in this Chapter are restricted,
23 the professional responsible for overseeing the implementation
24 of the recipient's services plan shall be responsible for
25 promptly giving notice of the restriction or use of restraint

1 or seclusion and the reason therefor to:

2 (1) the recipient and, if such recipient is a minor or
3 under guardianship, his parent or guardian;

4 (2) a person designated under subsection (b) of
5 Section 2-200 upon commencement of services or at any
6 later time to receive such notice;

7 (3) the facility director;

8 (4) the Department of Disability Advocacy and
9 Guardianship and Advocacy Commission, or the agency
10 designated under "An Act in relation to the protection and
11 advocacy of the rights of persons with developmental
12 disabilities, and amending Acts therein named", approved
13 September 20, 1985, if either is so designated; and

14 (5) the recipient's substitute decision maker, if any.

15 The professional shall also be responsible for promptly
16 recording such restriction or use of restraint or seclusion
17 and the reason therefor in the recipient's record.

18 (b) The facility director shall maintain a file of all
19 notices of restrictions of rights, or the use of restraint or
20 seclusion for the past 3 years. The facility director shall
21 allow the Department of Disability Advocacy and Guardianship
22 ~~and Advocacy Commission~~, the agency designated by the Governor
23 under Section 1 of "An Act in relation to the protection and
24 advocacy of the rights of persons with developmental
25 disabilities, and amending Acts therein named," approved
26 September 20, 1985, and the Department to examine and copy

1 such records upon request. Records obtained under this Section
2 shall not be further disclosed except pursuant to written
3 authorization of the recipient under Section 5 of the Mental
4 Health and Developmental Disabilities Confidentiality Act.

5 (Source: P.A. 91-726, eff. 6-2-00.)

6 (405 ILCS 5/3-206) (from Ch. 91 1/2, par. 3-206)

7 Sec. 3-206. Whenever a person is admitted or objects to
8 admission, and whenever a recipient is notified that his legal
9 status is to be changed, the facility director of the mental
10 health facility shall provide the person, if he is 12 or older,
11 with the address and phone number of the Department of
12 Disability Advocacy and Guardianship ~~and Advocacy Commission~~.

13 If the person requests, the facility director shall assist him
14 in contacting the Department of Disability Advocacy and
15 Guardianship ~~Commission~~.

16 (Source: P.A. 88-380.)

17 (405 ILCS 5/3-405) (from Ch. 91 1/2, par. 3-405)

18 Sec. 3-405. (a) If the facility director of a Department
19 mental health facility declines to admit a person seeking
20 admission under Articles III or IV of this Chapter, a review of
21 the denial may be requested by the person seeking admission
22 or, with his consent, by an interested person on his behalf.
23 Such a request may be made on behalf of a minor presented for
24 admission under Section 3-502, 3-503 or 3-504 by the minor's

1 attorney, by the parent, guardian or person in loco parentis
2 who executed the application for his admission, or by the
3 minor himself if he is 16 years of age or older. Whenever
4 admission to a Department facility is denied, the person
5 seeking admission shall immediately be given written notice of
6 the right to request review of the denial under this Section
7 and shall be provided, if he is 12 or older, with the address
8 and phone number of the Department of Disability Advocacy and
9 Guardianship and Advocacy Commission. If the person requests,
10 the facility director shall assist him in contacting the
11 Department of Disability Advocacy and Guardianship Commission.
12 A written request for review shall be submitted to the
13 director of the facility that denied admission within 14 days
14 of the denial. Upon receipt of the request, the facility
15 director shall promptly schedule a hearing to be held at the
16 denying facility within 7 days pursuant to Section 3-207.

17 (b) At the hearing the Department shall have the burden of
18 proving that the person denied admission does not meet the
19 standard set forth in the Section under which admission is
20 sought or that an appropriate alternative community treatment
21 program was available to meet the person's needs and was
22 offered. If the utilization review committee finds that the
23 decision denying admission is based upon substantial evidence,
24 it shall recommend that the denial of admission be upheld.
25 However, if it finds that the facility to which admission is
26 sought can provide adequate and appropriate treatment for the

1 person and no appropriate community alternative treatment is
2 available, it shall recommend that the person denied admission
3 be admitted. If it determines that another facility can
4 provide treatment appropriate to the clinical condition and
5 needs of the person denied admission, it may recommend that
6 the Department or other agency assist the person in obtaining
7 such treatment.

8 (Source: P.A. 91-726, eff. 6-2-00.)

9 (405 ILCS 5/3-805) (from Ch. 91 1/2, par. 3-805)

10 Sec. 3-805. Every respondent alleged to be subject to
11 involuntary admission on an inpatient or outpatient basis
12 shall be represented by counsel. If the respondent is indigent
13 or an appearance has not been entered on his behalf at the time
14 the matter is set for hearing, the court shall appoint counsel
15 for him. A hearing shall not proceed when a respondent is not
16 represented by counsel unless, after conferring with counsel,
17 the respondent requests to represent himself and the court is
18 satisfied that the respondent has the capacity to make an
19 informed waiver of his right to counsel. Counsel shall be
20 allowed time for adequate preparation and shall not be
21 prevented from conferring with the respondent at reasonable
22 times nor from making an investigation of the matters in issue
23 and presenting such relevant evidence as he believes is
24 necessary.

25 1. If the court determines that the respondent is unable

1 to obtain counsel, the court shall appoint as counsel an
2 attorney employed by or under contract with the Department of
3 Disability Advocacy and Guardianship ~~and Mental Health~~
4 ~~Advocacy Commission~~, if available.

5 2. If an attorney from the Department of Disability
6 Advocacy and Guardianship ~~and Mental Health Advocacy~~
7 ~~Commission~~ is not available, the court shall appoint as
8 counsel the public defender or, only if no public defender is
9 available, an attorney licensed to practice law in this State.

10 3. Upon filing with the court of a verified statement of
11 legal services rendered by the private attorney appointed
12 pursuant to paragraph (2) of this Section, the court shall
13 determine a reasonable fee for such services. If the
14 respondent is unable to pay the fee, the court shall enter an
15 order upon the county to pay the entire fee or such amount as
16 the respondent is unable to pay.

17 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

18 (405 ILCS 5/3-910) (from Ch. 91 1/2, par. 3-910)

19 Sec. 3-910. (a) Whenever a recipient who has been in a
20 Department facility for more than 7 days is to be transferred
21 to another facility under Section 3-908, the facility director
22 of the facility shall give written notice at least 14 days
23 before the transfer to the recipient, his attorney, guardian,
24 if any, and responsible relative. In the case of a minor,
25 notice shall be given to his attorney, to the parent,

1 guardian, or person in loco parentis who executed the
2 application for his admission, and to the minor himself if he
3 is 12 years of age or older. The notice shall include the
4 reasons for transfer, a statement of the right to object and
5 the address and phone number of the Department of Disability
6 Advocacy and Guardianship ~~and Advocacy Commission~~. If the
7 recipient requests, the facility director shall assist him in
8 contacting the Department of Disability Advocacy and
9 Guardianship ~~Commission~~.

10 (b) In an emergency, when the health of the recipient or
11 the physical safety of the recipient or others is imminently
12 imperiled and appropriate care is not available where the
13 recipient is located, a recipient may be immediately
14 transferred to another facility provided that notice of the
15 transfer is given as soon as possible but not more than 48
16 hours after transfer. The reason for the emergency shall be
17 noted in the recipient's record and specified in the notice.

18 (c) A recipient may object to his transfer or his
19 attorney, guardian, or responsible relative may object on his
20 behalf. In the case of a minor, his attorney, the person who
21 executed the application for admission, or the minor himself
22 if he is 12 years of age or older, may object to the transfer.
23 Prior to transfer or within 14 days after an emergency
24 transfer, a written objection shall be submitted to the
25 facility director of the facility where the recipient is
26 located. Upon receipt of an objection, the facility director

1 shall promptly schedule a hearing to be held within 7 days
2 pursuant to Section 3-207. The hearing shall be held at the
3 transferring facility except that when an emergency transfer
4 has taken place the hearing may be held at the receiving
5 facility. Except in an emergency, no transfer shall proceed
6 pending hearing on an objection.

7 (d) At the hearing the Department shall have the burden of
8 proving that the standard for transfer under Section 3-908 is
9 met. If the transfer is to a facility which is substantially
10 more physically restrictive than the transferring facility,
11 the Department shall also prove that the transfer is
12 reasonably required for the safety of the recipient or others.
13 If the utilization review committee finds that the Department
14 has sustained its burden and the decision to transfer is based
15 upon substantial evidence, it shall recommend that the
16 transfer proceed. If it does not so find, it shall recommend
17 that the recipient not be transferred.

18 (Source: P.A. 88-380.)

19 (405 ILCS 5/4-201.1) (from Ch. 91 1/2, par. 4-201.1)

20 Sec. 4-201.1. (a) A person residing in a Department mental
21 health facility who is evaluated as having a mild or moderate
22 intellectual disability, an attorney or advocate representing
23 the person, or a guardian of such person may object to the
24 Department facility director's certification required in
25 Section 4-201, the treatment and habilitation plan, or

1 appropriateness of setting, and obtain an administrative
2 decision requiring revision of a treatment or habilitation
3 plan or change of setting, by utilization review as provided
4 in Sections 3-207 and 4-209 of this Code. As part of this
5 utilization review, the Committee shall include as one of its
6 members a qualified intellectual disabilities professional.

7 (b) The mental health facility director shall give written
8 notice to each person evaluated as having a mild or moderate
9 intellectual disability, the person's attorney and guardian,
10 if any, or in the case of a minor, to his or her attorney, to
11 the parent, guardian or person in loco parentis and to the
12 minor if 12 years of age or older, of the person's right to
13 request a review of the facility director's initial or
14 subsequent determination that such person is appropriately
15 placed or is receiving appropriate services. The notice shall
16 also provide the address and phone number of the Division of
17 Legal Advocacy Service of the Department of Disability
18 Advocacy and Guardianship and Advocacy Commission, which the
19 person or guardian can contact for legal assistance. If
20 requested, the facility director shall assist the person or
21 guardian in contacting the Division of Legal Advocacy Service.
22 This notice shall be given within 24 hours of ~~Department's~~
23 evaluation by the Department of Human Services that the person
24 has a mild or moderate intellectual disability.

25 (c) Any recipient of services who successfully challenges
26 a final decision of the Secretary of the Department (or his or

1 her designee) reviewing an objection to the certification
2 required under Section 4-201, the treatment and habilitation
3 plan, or the appropriateness of the setting shall be entitled
4 to recover reasonable attorney's fees incurred in that
5 challenge, unless the Department's position was substantially
6 justified.

7 (Source: P.A. 99-143, eff. 7-27-15.)

8 (405 ILCS 5/4-203) (from Ch. 91 1/2, par. 4-203)

9 Sec. 4-203. (a) Every developmental disabilities facility
10 shall maintain adequate records which shall include the
11 Section of this Act under which the client was admitted, any
12 subsequent change in the client's status, and requisite
13 documentation for such admission and status.

14 (b) The Department shall ensure that a monthly report is
15 maintained for each Department mental health facility, and
16 each unit of a Department developmental disability facility
17 for dually diagnosed persons, which lists (1) initials of
18 persons admitted to, residing at, or discharged from a
19 Department mental health facility or unit for dually diagnosed
20 persons of Department developmental disability facility during
21 that month with a primary or secondary diagnosis of
22 intellectual disability, (2) the date and facility and unit of
23 admission or continuing, care, (3) the legal admission status,
24 (4) the recipient's diagnosis, (5) the date and facility and
25 unit of transfer or discharge, (6) whether or not there is a

1 public or private guardian, (7) whether the facility director
2 has certified that appropriate treatment and habilitation are
3 available for and being provided to such person pursuant to
4 Section 4-203 of this Chapter, and (8) whether the person or a
5 guardian has requested review as provided in Section 4-209 of
6 this Chapter and, if so, the outcome of the review. The
7 Secretary of the Department shall furnish a copy of each
8 monthly report upon request to the Department of Disability
9 Advocacy and Guardianship ~~and Advocacy Commission~~ and the
10 agency designated by the Governor under Section 1 of "An Act in
11 relation to the protection and advocacy of the rights of
12 persons with developmental disabilities, and amending certain
13 Acts therein named", approved September 20, 1985, and under
14 Section 1 of "An Act for the protection and advocacy of
15 mentally ill persons", approved September 20, 1987.

16 (c) Nothing contained in this Chapter shall be construed
17 to limit or otherwise affect the power of any developmental
18 disabilities facility to determine the qualifications of
19 persons permitted to admit clients to such facility. This
20 subsection shall not affect or limit the powers of any court to
21 order admission to a developmental disabilities facility as
22 set forth in this Chapter.

23 (Source: P.A. 97-227, eff. 1-1-12.)

24 (405 ILCS 5/4-605) (from Ch. 91 1/2, par. 4-605)

25 Sec. 4-605. Every respondent alleged to meet the standard

1 for judicial admission shall be represented by counsel. If the
2 respondent is indigent or an appearance has not been entered
3 on his behalf at the time the matter is set for hearing, the
4 court shall appoint counsel for him. A hearing shall not
5 proceed when a respondent is not represented by counsel
6 unless, after conferring with counsel, the respondent requests
7 to represent himself and the court is satisfied that the
8 respondent has the capacity to make an informed waiver of his
9 right to counsel. Counsel shall be allowed time for adequate
10 preparation and shall not be prevented from conferring with
11 the respondent at reasonable times nor from making an
12 investigation of the matters in issue and presenting such
13 relevant evidence as he believes is necessary.

14 1. If the court determines that the respondent is unable
15 to obtain counsel, the court shall appoint as counsel an
16 attorney employed by or under contract with the Department of
17 Disability Advocacy and Guardianship ~~and Advocacy Commission~~,
18 if available.

19 2. If an attorney from the Department of Disability
20 Advocacy and Guardianship ~~and Advocacy Commission~~ is not
21 available, the court shall appoint as counsel the public
22 defender or, only if no public defender is available, an
23 attorney licensed to practice law in this State.

24 3. Upon filing with the court of a verified statement of
25 legal services rendered by the private attorney appointed
26 pursuant to paragraph (2) of this Section, the court shall

1 determine a reasonable fee for such services. If the
2 respondent is unable to pay the fee, the court shall enter an
3 order upon the county to pay the entire fee or such amount as
4 the respondent is unable to pay.

5 (Source: P.A. 85-1247.)

6 (405 ILCS 5/5-100) (from Ch. 91 1/2, par. 5-100)

7 Sec. 5-100. Written notice of the death of a recipient of
8 services which occurs at a mental health or developmental
9 disabilities facility, or the death of a recipient of services
10 who has not been discharged from a mental health or
11 developmental disabilities facility but whose death occurs
12 elsewhere, shall within 10 days of the death of a recipient be
13 mailed to the Department of Public Health which, for the
14 primary purpose of monitoring patterns of abuse and neglect of
15 recipients of services, shall make such notices available to
16 the Department of Disability Advocacy and Guardianship ~~and~~
17 ~~Advocacy Commission~~ and to the agency designated by the
18 Governor under Section 1 of "An Act in relation to the
19 protection and advocacy of the rights of persons with
20 developmental disabilities, and amending Acts therein named",
21 approved September 20, 1985. Such notice shall include the
22 name of the recipient, the name and address of the facility at
23 which the death occurred, the recipient's age, the nature of
24 the recipient's condition, including any evidence of the
25 previous injuries or disabilities, or relevant medical

1 conditions or any other information which might be helpful in
2 establishing the cause of death.

3 Written notice of the death of a recipient of services who
4 was admitted by court order, and the cause thereof shall, in
5 all cases, be mailed by the facility director to the court
6 entering the original admission order, and if possible, to the
7 same judge, and the time, place and alleged cause of such death
8 shall be entered upon the docket. Such notice must be mailed
9 within 10 days following the death of the recipient.

10 In the event of a sudden or mysterious death of any
11 recipient of services at any public or private facility, a
12 coroner's inquest shall be held as provided by law in other
13 cases.

14 In cases where the deceased person was a recipient or
15 client of any state facility, and the fees for holding an
16 inquest cannot be collected out of his estate, such fees shall
17 be paid by the Department.

18 (Source: P.A. 88-380.)

19 Section 10-100. The Alzheimer's Disease Assistance Act is
20 amended by changing Section 6 as follows:

21 (410 ILCS 405/6) (from Ch. 111 1/2, par. 6956)

22 Sec. 6. Alzheimer's Disease Advisory Committee.

23 (a) There is created the Alzheimer's Disease Advisory
24 Committee consisting of 17 voting members appointed by the

1 Director of the Department, as well as 5 nonvoting members as
2 hereinafter provided in this Section. The Director or his
3 designee shall serve as one of the 17 voting members and as the
4 Chairman of the Committee. Those appointed as voting members
5 shall include persons who are experienced in research and the
6 delivery of services to individuals with Alzheimer's disease
7 or a related disorder and their families. Such members shall
8 include:

9 (1) one individual from a statewide association
10 dedicated to Alzheimer's care, support, and research;

11 (2) one individual from a non-governmental statewide
12 organization that advocates for seniors;

13 (3) the Dementia Coordinator of the Illinois
14 Department of Public Health, or the Dementia Coordinator's
15 designee;

16 (4) one individual representing the Community Care
17 Program's Home and Community Services Division;

18 (5) one individual representing the Adult Protective
19 Services Unit;

20 (6) 3 individuals from Alzheimer's Disease Assistance
21 Centers;

22 (7) one individual from a statewide association
23 representing an adult day service organization;

24 (8) one individual from a statewide association
25 representing home care providers;

26 (9) one individual from a statewide trade organization

1 representing the interests of physicians licensed to
2 practice medicine in all of its branches in Illinois;

3 (10) one individual representing long-term care
4 facilities licensed under the Nursing Home Care Act, an
5 assisted living establishment licensed under the Assisted
6 Living and Shared Housing Act, or supportive living
7 facilities;

8 (11) one individual from a statewide association
9 representing the interests of social workers;

10 (12) one individual representing Area Agencies on
11 Aging;

12 (13) the Medicaid Director of the Department of
13 Healthcare and Family Services, or the Medicaid Director's
14 designee;

15 (14) one individual from a statewide association
16 representing health education and promotion and public
17 health advocacy; and

18 (15) one individual with medical or academic
19 experience with early onset Alzheimer's disease or related
20 disorders.

21 (b) In addition to the 17 voting members, the Directors of
22 the following State agencies or their designees who are
23 qualified to represent each Department's programs and services
24 for those with Alzheimer's disease or related disorders shall
25 serve as nonvoting members: Department on Aging, Department of
26 Healthcare and Family Services, Department of Public Health,

1 Department of Human Services, and Department of Disability
2 Advocacy and Guardianship ~~and Advocacy Commission~~.

3 Each voting member appointed by the Director of Public
4 Health shall serve for a term of 2 years, and until his
5 successor is appointed and qualified. Members of the Committee
6 shall not be compensated but shall be reimbursed for expenses
7 actually incurred in the performance of their duties.
8 Vacancies shall be filled in the same manner as original
9 appointments.

10 The Committee shall review all State programs and services
11 provided by State agencies that are directed toward persons
12 with Alzheimer's disease and related dementias, and by
13 consensus recommend changes to improve the State's response to
14 this serious health problem. Such recommendations shall be
15 included in the State plan described in this Act.

16 (Source: P.A. 101-588, eff. 1-1-20.)

17 Section 10-103. The Vital Records Act is amended by
18 changing Section 25.2 as follows:

19 (410 ILCS 535/25.2)

20 Sec. 25.2. Division ~~Office~~ of State Guardian birth record
21 request.

22 (a) For purposes of this Section, an individual's status
23 as a person under guardianship of ~~with~~ the Division ~~Office~~ of
24 State Guardian may be verified with a copy of the court order

1 placing the individual under the guardianship of the Division
2 ~~Office~~ of State Guardian.

3 (b) The applicable fees under Section 17 for a new
4 certificate of birth and under Section 25 for a search for a
5 birth record or certified copy of a birth record shall be
6 waived for requests made by the Division ~~Office~~ of State
7 Guardian to the Office of the State Registrar of Vital Records
8 in Springfield for an individual under guardianship of the
9 Division ~~Office~~ of State Guardian, whose status is verified
10 under subsection (a) of this Section.

11 (c) The State Registrar of Vital Records shall establish
12 standards and procedures consistent with this Section for
13 waiver of the applicable fees.

14 (d) An individual under guardianship shall be provided no
15 more than 4 birth records annually under this Section.

16 (Source: P.A. 103-682, eff. 7-1-25.)

17 Section 10-105. The Clerks of Courts Act is amended by
18 changing Section 27.3f as follows:

19 (705 ILCS 105/27.3f)

20 Sec. 27.3f. Guardianship and advocacy operations fee.

21 (a) As used in this Section, "guardianship and advocacy"
22 means the guardianship and advocacy services provided by the
23 Department of Disability Advocacy and Guardianship ~~and~~
24 ~~Advocacy Commission~~ and defined in the Guardianship and

1 Advocacy Act. Viable public guardianship and advocacy
2 programs, including the public guardianship programs created
3 and supervised in probate proceedings in the Illinois courts,
4 are essential to the administration of justice and ensure that
5 incapacitated persons and their estates are protected. To
6 defray the expense of maintaining and operating the divisions
7 and programs of the Department of Disability Advocacy and
8 Guardianship and Advocacy Commission and to support viable
9 guardianship and advocacy programs throughout Illinois, each
10 circuit court clerk shall charge and collect a fee on all
11 matters filed in probate cases in accordance with this
12 Section, but no fees shall be assessed against the Division of
13 State Guardian, any State agency under the jurisdiction of the
14 Governor, any public guardian, or any State's Attorney.

15 (b) No fee specified in this Section shall be imposed in
16 any minor guardianship established under Article XI of the
17 Probate Act of 1975, or against an indigent person. An
18 indigent person shall include any person who meets one or more
19 of the following criteria:

20 (1) He or she is receiving assistance under one or
21 more of the following public benefits programs:
22 Supplemental Security Income (SSI), Aid to the Aged,
23 Blind, and Disabled (AABD), Temporary Assistance for Needy
24 Families (TANF), Supplemental Nutrition Assistance Program
25 (SNAP) (formerly Food Stamps), General Assistance, State
26 Transitional Assistance, or State Children and Family

1 Assistance.

2 (2) His or her available income is 125% or less of the
3 current poverty level as established by the United States
4 Department of Health and Human Services, unless the
5 applicant's assets that are not exempt under Part 9 or 10
6 of Article XII of the Code of Civil Procedure are of a
7 nature and value that the court determines that the
8 applicant is able to pay the fees, costs, and charges.

9 (3) He or she is, in the discretion of the court,
10 unable to proceed in an action without payment of fees,
11 costs, and charges and whose payment of those fees, costs,
12 and charges would result in substantial hardship to the
13 person or his or her family.

14 (4) He or she is an indigent person pursuant to
15 Section 5-105.5 of the Code of Civil Procedure, providing
16 that an "indigent person" means a person whose income is
17 125% or less of the current official federal poverty
18 guidelines or who is otherwise eligible to receive civil
19 legal services under the Legal Services Corporation Act of
20 1974.

21 (c) The clerk is entitled to receive the fee specified in
22 this Section, which shall be paid in advance, and managed by
23 the clerk as set out in paragraph (2), except that, for good
24 cause shown, the court may suspend, reduce, or release the
25 costs payable under this Section:

26 (1) For administration of the estate of a decedent

1 (whether testate or intestate) or of a missing person, a
2 fee of \$100.

3 (2) The guardianship and advocacy operations fee, as
4 outlined in this Section, shall be in addition to all
5 other fees and charges and assessable as costs. Five
6 percent of the fee shall be retained by the clerk for
7 deposit into the Circuit Court Clerk Operation and
8 Administrative Fund to defray costs of collection and 95%
9 of the fee shall be disbursed within 60 days after receipt
10 by the circuit clerk to the State Treasurer for deposit by
11 the State Treasurer into the Guardianship and Advocacy
12 Fund.

13 (Source: P.A. 97-1093, eff. 1-1-13.)

14 Section 10-110. The Criminal Code of 2012 is amended by
15 changing Section 12-9 as follows:

16 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

17 Sec. 12-9. Threatening public officials; human service
18 providers.

19 (a) A person commits threatening a public official or
20 human service provider when:

21 (1) that person knowingly delivers or conveys,
22 directly or indirectly, to a public official or human
23 service provider by any means a communication:

24 (i) containing a threat that would place the

1 public official or human service provider or a member
2 of his or her immediate family in reasonable
3 apprehension of immediate or future bodily harm,
4 sexual assault, confinement, or restraint; or

5 (ii) containing a threat that would place the
6 public official or human service provider or a member
7 of his or her immediate family in reasonable
8 apprehension that damage will occur to property in the
9 custody, care, or control of the public official or
10 his or her immediate family; and

11 (2) the threat was conveyed because of the performance
12 or nonperformance of some public duty or duty as a human
13 service provider, because of hostility of the person
14 making the threat toward the status or position of the
15 public official or the human service provider, or because
16 of any other factor related to the official's public
17 existence.

18 (a-5) For purposes of a threat to a sworn law enforcement
19 officer, the threat must contain specific facts indicative of
20 a unique threat to the person, family or property of the
21 officer and not a generalized threat of harm.

22 (a-6) For purposes of a threat to a social worker,
23 caseworker, investigator, or human service provider, the
24 threat must contain specific facts indicative of a unique
25 threat to the person, family or property of the individual and
26 not a generalized threat of harm.

1 (b) For purposes of this Section:

2 (1) "Public official" means a person who is elected to
3 office in accordance with a statute or who is appointed to
4 an office which is established, and the qualifications and
5 duties of which are prescribed, by statute, to discharge a
6 public duty for the State or any of its political
7 subdivisions or in the case of an elective office any
8 person who has filed the required documents for nomination
9 or election to such office. "Public official" includes a
10 duly appointed assistant State's Attorney, assistant
11 Attorney General, or Appellate Prosecutor; a sworn law
12 enforcement or peace officer; a social worker, caseworker,
13 attorney, or investigator employed by the Department of
14 Healthcare and Family Services, the Department of Human
15 Services, the Department of Children and Family Services,
16 or the Department of Disability Advocacy and Guardianship
17 ~~and Advocacy Commission~~; or an assistant public guardian,
18 attorney, social worker, case manager, or investigator
19 employed by a duly appointed public guardian.

20 (1.5) "Human service provider" means a social worker,
21 case worker, or investigator employed by an agency or
22 organization providing social work, case work, or
23 investigative services under a contract with or a grant
24 from the Department of Human Services, the Department of
25 Children and Family Services, the Department of Healthcare
26 and Family Services, or the Department on Aging.

1 (2) "Immediate family" means a public official's
2 spouse or child or children.

3 (c) Threatening a public official or human service
4 provider is a Class 3 felony for a first offense and a Class 2
5 felony for a second or subsequent offense.

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

7 Section 10-115. The Mental Health and Developmental
8 Disabilities Confidentiality Act is amended by changing
9 Sections 4, 8, and 8.1 as follows:

10 (740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

11 Sec. 4. (a) The following persons shall be entitled, upon
12 request, to inspect and copy a recipient's record or any part
13 thereof:

14 (1) the parent or guardian of a recipient who is under
15 12 years of age;

16 (2) the recipient if he is 12 years of age or older;

17 (3) the parent or guardian of a recipient who is at
18 least 12 but under 18 years, if the recipient is informed
19 and does not object or if the therapist does not find that
20 there are compelling reasons for denying the access. The
21 parent or guardian who is denied access by either the
22 recipient or the therapist may petition a court for access
23 to the record. Nothing in this paragraph is intended to
24 prohibit the parent or guardian of a recipient who is at

1 least 12 but under 18 years from requesting and receiving
2 the following information: current physical and mental
3 condition, diagnosis, treatment needs, services provided,
4 and services needed, including medication, if any;

5 (3.5) the parent or guardian of a minor, regardless of
6 the minor's age, if the minor is involved in special
7 education services under Section 14-1.11 of the School
8 Code, and only for the purpose of inspecting and copying a
9 record of the specific mental health or developmental
10 services that the parent or guardian consented to on the
11 recipient's behalf for special education services; or the
12 designated representative of a student over the age of 18
13 involved in special education services under Section
14 14-6.10 of the School Code;

15 (4) the guardian of a recipient who is 18 years or
16 older;

17 (5) an attorney or guardian ad litem who represents a
18 minor 12 years of age or older in any judicial or
19 administrative proceeding, provided that the court or
20 administrative hearing officer has entered an order
21 granting the attorney this right;

22 (6) an agent appointed under a recipient's power of
23 attorney for health care or for property, when the power
24 of attorney authorizes the access;

25 (7) an attorney-in-fact appointed under the Mental
26 Health Treatment Preference Declaration Act; or

1 (8) any person in whose care and custody the recipient
2 has been placed pursuant to Section 3-811 of the Mental
3 Health and Developmental Disabilities Code.

4 (b) Assistance in interpreting the record may be provided
5 without charge and shall be provided if the person inspecting
6 the record is under 18 years of age. However, access may in no
7 way be denied or limited if the person inspecting the record
8 refuses the assistance. A reasonable fee may be charged for
9 duplication of a record. However, when requested to do so in
10 writing by any indigent recipient, the custodian of the
11 records shall provide at no charge to the recipient, or to the
12 Department of Disability Advocacy and Guardianship ~~and~~
13 ~~Advocacy Commission~~, the agency designated by the Governor
14 under Section 1 of the Protection and Advocacy for Persons
15 with Developmental Disabilities Act or to any other
16 not-for-profit agency whose primary purpose is to provide free
17 legal services or advocacy for the indigent and who has
18 received written authorization from the recipient under
19 Section 5 of this Act to receive his records, one copy of any
20 records in its possession whose disclosure is authorized under
21 this Act.

22 (c) Any person entitled to access to a record under this
23 Section may submit a written statement concerning any disputed
24 or new information, which statement shall be entered into the
25 record. Whenever any disputed part of a record is disclosed,
26 any submitted statement relating thereto shall accompany the

1 disclosed part. Additionally, any person entitled to access
2 may request modification of any part of the record which he
3 believes is incorrect or misleading. If the request is
4 refused, the person may seek a court order to compel
5 modification.

6 (d) Whenever access or modification is requested, the
7 request and any action taken thereon shall be noted in the
8 recipient's record.

9 (e) Nothing in this Section shall be construed to affect
10 the protection of or access to records under the Illinois
11 School Student Records Act or the federal Individuals with
12 Disabilities Education Act.

13 (Source: P.A. 103-474, eff. 1-1-24; 104-263, eff. 1-1-26.)

14 (740 ILCS 110/8) (from Ch. 91 1/2, par. 808)

15 Sec. 8. In the course of an investigation, or in the course
16 of monitoring issues concerning the rights of recipients or
17 the services provided to recipients as authorized by
18 subsection (1) of Section 5 of the Guardianship and Advocacy
19 Act, the Division of Disability Rights and Protections ~~a~~
20 ~~regional human rights authority~~ of the Department of
21 Disability Advocacy and Guardianship ~~and Advocacy Commission~~
22 created by the Guardianship and Advocacy Act may inspect and
23 copy any recipient's records in the possession of a therapist,
24 agency, department, ~~Department~~ or facility which provides
25 services to a recipient, including reports of suspected abuse

1 or neglect of a recipient and information regarding the
2 disposition of such reports. However, the Division of
3 Disability Rights and Protections ~~a regional authority~~ may not
4 inspect or copy records containing personally identifiable
5 data which cannot be removed without imposing an unreasonable
6 burden on the therapist, agency, department, ~~Department~~ or
7 facility which provides services, except as provided herein.
8 The Division of Disability Rights and Protections ~~regional~~
9 ~~authority~~ shall give written notice to the person entitled to
10 give consent for the identifiable recipient of services under
11 Section 4 that it is conducting an investigation or monitoring
12 and indicating the nature and purpose of the investigation or
13 monitoring and the need to inspect and copy the recipient's
14 record. If the person notified objects in writing to such
15 inspection and copying, the Division of Disability Rights and
16 Protections ~~regional authority~~ may not inspect or copy the
17 record. The therapist, agency, department, ~~Department~~ or
18 facility which provides services may not object on behalf of a
19 recipient.

20 (Source: P.A. 86-820; 86-1013; 86-1475.)

21 (740 ILCS 110/8.1) (from Ch. 91 1/2, par. 808.1)

22 Sec. 8.1. The agency designated by the Governor under
23 Section 1 of "An Act in relation to the protection and advocacy
24 of the rights of persons with developmental disabilities, and
25 amending Acts therein named", approved September 20, 1985, as

1 now or hereafter amended, shall have access, for the purpose
2 of inspection and copying, to the records of a person with
3 developmental disabilities who resides in a developmental
4 disability facility or mental health facility, as defined in
5 Sections 1-107 and 1-114, respectively, of the Mental Health
6 and Developmental Disabilities Code, as now or hereafter
7 amended, if (a) a complaint is received by such agency from or
8 on behalf of the person with a developmental disability, and
9 (b) such person does not have a guardian of the person or the
10 State or the designee of the State is his or her guardian of
11 the person. The designated agency shall provide written notice
12 of the receipt of a complaint to the custodian of the records
13 of the person from whom or on whose behalf a complaint is
14 received. The designated agency shall provide to the person
15 with developmental disabilities and to the Division of ~~his or~~
16 ~~her~~ State Guardian ~~guardian~~, if appointed, written notice of
17 the nature of the complaint based upon which the designated
18 agency has gained access to the records. No record or the
19 contents of any record shall be redisclosed by the designated
20 agency unless the person with developmental disabilities and
21 the Division of State Guardian ~~guardian~~ are provided 7 days
22 advance written notice, except in emergency situations, of the
23 designated agency's intent to redisclose such record, during
24 which time the person with developmental disabilities or the
25 Division of State Guardian ~~guardian~~ may seek to judicially
26 enjoin the designated agency's redisclosure of such record on

1 the grounds that such redisclosure is contrary to the
2 interests of the person with developmental disabilities. If a
3 person with developmental disabilities resides in a
4 developmental disability or mental health facility and has a
5 guardian other than the State or the designee of the State, the
6 facility director shall disclose the guardian's name, address
7 and telephone number to the designated agency at the agency's
8 request.

9 Upon written request and after the provision of written
10 notice to the agency, facility or other body from which
11 records and other materials are sought of the designated
12 agency's investigation of problems affecting numbers of
13 persons with developmental disabilities, the designated agency
14 shall be entitled to inspect and copy any records or other
15 materials which may further the agency's investigation of
16 problems affecting numbers of persons with developmental
17 disabilities. When required by law any personally identifiable
18 information of persons with developmental disabilities shall
19 be removed from the records. However, the designated agency
20 may not inspect or copy records or other materials when the
21 removal of personally identifiable information imposes an
22 unreasonable burden on mental health and developmental
23 disabilities facilities.

24 For the purposes of this Section, "developmental
25 disability" means a severe, chronic disability of a person
26 which -

1 (A) is attributable to a mental or physical impairment or
2 combination of mental and physical impairments;

3 (B) is manifested before the person attains age 22;

4 (C) is likely to continue indefinitely;

5 (D) results in substantial functional limitations in 3 or
6 more of the following areas of major life activity: (i)
7 self-care, (ii) receptive and expressive language, (iii)
8 learning, (iv) mobility, (v) self-direction, (vi) capacity for
9 independent living, and (vii) economic self-sufficiency; and

10 (E) reflects the person's need for a combination and
11 sequence of special, interdisciplinary or generic care,
12 treatment or other services which are of lifelong or extended
13 duration and are individually planned and coordinated.

14 (Source: P.A. 88-380.)

15 Section 10-120. The Adoption Act is amended by changing
16 Section 13 as follows:

17 (750 ILCS 50/13) (from Ch. 40, par. 1516)

18 Sec. 13. Interim order. As soon as practicable after the
19 filing of a petition for adoption the court shall hold a
20 hearing for the following purposes:

21 A. In other than an adoption of a related child or an
22 adoption through an agency, or of an adult:

23 (a) To determine the validity of the consent, provided
24 that the execution of a consent pursuant to this Act shall

1 be prima facie evidence of its validity, and provided that
2 the validity of a consent shall not be affected by the
3 omission therefrom of the names of the petitioners or
4 adopting parents at the time the consent is executed or
5 acknowledged, and further provided that the execution of a
6 consent prior to the filing of a petition for adoption
7 shall not affect its validity.

8 (b) To determine whether there is available suitable
9 temporary custodial care for a child sought to be adopted.

10 B. In all cases except standby adoptions and re-adoptions:

11 (a) The court shall appoint some licensed attorney
12 other than the State's attorney acting in his or her
13 official capacity as guardian ad litem to represent a
14 child sought to be adopted. Such guardian ad litem shall
15 have power to consent to the adoption of the child, if such
16 consent is required. In the case of a related adoption
17 where the child sought to be adopted is not a youth in
18 care, the court shall have the discretion to waive the
19 appointment of a guardian ad litem.

20 (b) The court shall appoint a guardian ad litem for
21 all named minors or defendants who are persons under legal
22 disability, if any. In the case of a related adoption
23 where the child sought to be adopted is not a youth in
24 care, the court shall have the discretion to waive the
25 appointment of a guardian ad litem.

26 (c) If the petition alleges a person to be unfit

1 pursuant to the provisions of subparagraph (p) of
2 paragraph D of Section 1 of this Act, such person shall be
3 represented by counsel. If such person is indigent or an
4 appearance has not been entered on his behalf at the time
5 the matter is set for hearing, the court shall appoint as
6 counsel for him either the Department of Disability
7 Advocacy and Guardianship ~~and Advocacy Commission~~, the
8 public defender, or, only if no attorney from the
9 Department of Disability Advocacy and Guardianship ~~and~~
10 ~~Advocacy Commission~~ or the public defender is available,
11 an attorney licensed to practice law in this State.

12 (d) If it is proved to the satisfaction of the court,
13 after such investigation as the court deems necessary,
14 that termination of parental rights and temporary
15 commitment of the child to an agency or to a person deemed
16 competent by the court, including petitioners, will be for
17 the welfare of the child, the court may order the child to
18 be so committed and may terminate the parental rights of
19 the parents and declare the child a ward of the court or,
20 if it is not so proved, the court may enter such other
21 order as it shall deem necessary and advisable.

22 (e) Before an interim custody order is granted under
23 this Section, service of summons shall be had upon the
24 parent or parents whose rights have not been terminated,
25 except as provided in subsection (f). Reasonable notice
26 and opportunity to be heard shall be given to the parent or

1 parents after service of summons when the address of the
2 parent or parents is available. The party seeking an
3 interim custody order shall make all reasonable efforts to
4 locate the parent or parents of the child or children they
5 are seeking to adopt and to notify the parent or parents of
6 the party's request for an interim custody order pursuant
7 to this Section.

8 (f) An interim custody order may be granted without
9 notice upon presentation to the court of a written
10 petition, accompanied by an affidavit, stating that there
11 is an immediate danger to the child and that irreparable
12 harm will result to the child if notice is given to the
13 parent or parents or legal guardian. Upon making a finding
14 that there is an immediate danger to the child if service
15 of process is had upon and notice of hearing is given to
16 the parent or parents or legal guardian prior to the entry
17 of an order granting temporary custody to someone other
18 than a parent or legal guardian, the court may enter an
19 order of temporary custody which shall expire not more
20 than 10 days after its entry. Every ex parte custody order
21 granted without notice shall state the injury which the
22 court sought to avoid by granting the order, the
23 irreparable injury that would have occurred had notice
24 been given, and the reason the order was granted without
25 notice. The matter shall be set down for full hearing
26 before the expiration of the ex parte order and will be

1 heard after service of summons is had upon and notice of
2 hearing is given to the parent or parents or legal
3 guardian. At the hearing the burden of proof shall be upon
4 the party seeking to extend the interim custody order to
5 show that the order was properly granted without notice
6 and that custody should remain with the party seeking to
7 adopt during the pendency of the adoption proceeding. If
8 the interim custody order is extended, the reasons for
9 granting the extension shall be stated in the order.

10 C. In the case of a child born outside the United States or
11 a territory thereof, if the petitioners have previously been
12 appointed guardians of such child by a court of competent
13 jurisdiction in a country other than the United States or a
14 territory thereof, the court may order that the petitioners
15 continue as guardians of such child.

16 D. In standby adoption cases:

17 (a) The court shall appoint a licensed attorney other
18 than the State's Attorney acting in his or her official
19 capacity as guardian ad litem to represent a child sought
20 to be adopted. The guardian ad litem shall have power to
21 consent to the adoption of the child, if consent is
22 required.

23 (b) The court shall appoint a guardian ad litem for
24 all named minors or defendants who are persons under legal
25 disability, if any. In the case of a related adoption
26 where the child sought to be adopted is not a youth in

1 care, the court shall have the discretion to waive the
2 appointment of a guardian ad litem.

3 (c) The court lacks jurisdiction to proceed on the
4 petition for standby adoption if the child has a living
5 parent, adoptive parent, or adjudicated parent whose
6 rights have not been terminated and whose whereabouts are
7 known, unless the parent consents to the standby adoption
8 or, after receiving notice of the hearing on the standby
9 adoption petition, fails to object to the appointment of a
10 standby adoptive parent at the hearing on the petition.

11 (d) The court shall investigate as needed for the
12 welfare of the child and shall determine whether the
13 petitioner or petitioners shall be permitted to adopt.

14 (Source: P.A. 102-139, eff. 1-1-22.)

15 Section 10-125. The Probate Act of 1975 is amended by
16 changing Sections 11a-3.1, 11a-3.2, 11a-5, 11a-5.1, 11a-8.1,
17 11a-9, 11a-12, 11a-13, 11a-14.1, 11a-17, 12-4, 13-1, and
18 13-1.2 as follows:

19 (755 ILCS 5/11a-3.1)

20 Sec. 11a-3.1. Appointment of standby guardian.

21 (a) The guardian of a person with a disability may
22 designate in any writing, including a will, a person qualified
23 to act under Section 11a-5 to be appointed as standby guardian
24 of the person or estate, or both, of the person with a

1 disability. The guardian may designate in any writing,
2 including a will, a person qualified to act under Section
3 11a-5 to be appointed as successor standby guardian of the
4 person or estate of the person with a disability, or both. The
5 designation must be witnessed by 2 or more credible witnesses
6 at least 18 years of age, neither of whom is the person
7 designated as the standby guardian. The designation may be
8 proved by any competent evidence. If the designation is
9 executed and attested in the same manner as a will, it shall
10 have prima facie validity. Prior to designating a proposed
11 standby guardian, the guardian shall consult with the person
12 with a disability to determine the preference of the person
13 with a disability as to the person who will serve as standby
14 guardian. The guardian shall give due consideration to the
15 preference of the person with a disability in selecting a
16 standby guardian.

17 (b) Upon the filing of a petition for the appointment of a
18 standby guardian, the court may appoint a standby guardian of
19 the person or estate, or both, of the person with a disability
20 as the court finds to be in the best interests of the person
21 with a disability. The court shall apply the same standards
22 used in determining the suitability of a plenary or limited
23 guardian in determining the suitability of a standby guardian,
24 giving due consideration to the preference of the person with
25 a disability as to a standby guardian. The court may not
26 appoint the Division ~~Office~~ of State Guardian, pursuant to

1 Section 30 of the Guardianship and Advocacy Act, or a public
2 guardian, pursuant to Section 13-5 of this Act, as a standby
3 guardian, without the written consent of the Division of State
4 Guardian or public guardian or an authorized representative of
5 the Division of State Guardian or public guardian.

6 (c) The standby guardian shall take and file an oath or
7 affirmation that the standby guardian will faithfully
8 discharge the duties of the office of standby guardian
9 according to law, and shall file in and have approved by the
10 court a bond binding the standby guardian so to do, but shall
11 not be required to file a bond until the standby guardian
12 assumes all duties as guardian of the person with a disability
13 under Section 11a-18.2.

14 (d) The designation of a standby guardian may, but need
15 not, be in the following form:

16 DESIGNATION OF STANDBY GUARDIAN

17 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

18 A standby guardian is someone who has been appointed
19 by the court as the person who will act as guardian of the
20 person with a disability when the guardian of the person
21 with a disability dies or is no longer willing or able to
22 make and carry out day-to-day care decisions concerning
23 the person with a disability. By properly completing this
24 form, a guardian is naming the person that the guardian
25 wants to be appointed as the standby guardian of the
26 person with a disability. Signing the form does not

1 appoint the standby guardian; to be appointed, a petition
2 must be filed in and approved by the court.]

3 1. Guardian and Ward. I, (insert name of designating
4 guardian), currently residing at (insert address of
5 designating guardian), am the guardian of the following
6 person with a disability: (insert name of ward).

7 2. Standby Guardian. I hereby designate the following
8 person to be appointed as standby guardian for my ward
9 listed above: (insert name and address of person
10 designated).

11 3. Successor Standby Guardian. If the person named in
12 item 2 above cannot or will not act as standby guardian, I
13 designate the following person to be appointed as
14 successor standby guardian for my ward: (insert name and
15 address of person designated).

16 4. Date and Signature. This designation is made this
17 (insert day) day of (insert month and year).

18 Signed: (designating guardian)

19 5. Witnesses. I saw the guardian sign this designation
20 or the guardian told me that the guardian signed this
21 designation. Then I signed the designation as a witness in
22 the presence of the guardian. I am not designated in this
23 instrument to act as a standby guardian for the guardian's
24 ward. (insert space for names, addresses, and signatures
25 of 2 witnesses)

26 [END OF FORM]

1 (Source: P.A. 102-72, eff. 1-1-22.)

2 (755 ILCS 5/11a-3.2)

3 Sec. 11a-3.2. Short-term guardian.

4 (a) The guardian of a person with a disability may appoint
5 in writing, without court approval, a short-term guardian of
6 the person with a disability to take over the guardian's
7 duties, to the extent provided in Section 11a-18.3, each time
8 the guardian is unavailable or unable to carry out those
9 duties. The guardian shall consult with the person with a
10 disability to determine the preference of the person with a
11 disability concerning the person to be appointed as short-term
12 guardian and the guardian shall give due consideration to the
13 preference of the person with a disability in choosing a
14 short-term guardian. The written instrument appointing a
15 short-term guardian shall be dated and shall identify the
16 appointing guardian, the person with a disability, the person
17 appointed to be the short-term guardian, and the termination
18 date of the appointment. The written instrument shall be
19 signed by, or at the direction of, the appointing guardian in
20 the presence of at least 2 credible witnesses at least 18 years
21 of age, neither of whom is the person appointed as the
22 short-term guardian. The person appointed as the short-term
23 guardian shall also sign the written instrument, but need not
24 sign at the same time as the appointing guardian. A guardian
25 may not appoint the Division ~~Office~~ of State Guardian or a

1 public guardian as a short-term guardian, without the written
2 consent of the Division of State Guardian or public guardian
3 or an authorized representative of the State Guardian or
4 public guardian.

5 (b) The appointment of the short-term guardian is
6 effective immediately upon the date the written instrument is
7 executed, unless the written instrument provides for the
8 appointment to become effective upon a later specified date or
9 event. A short-term guardian appointed by the guardian shall
10 have authority to act as guardian of the person with a
11 disability for a cumulative total of 60 days during any
12 12-month period. Only one written instrument appointing a
13 short-term guardian may be in force at any given time.

14 (c) Every appointment of a short-term guardian may be
15 amended or revoked by the appointing guardian at any time and
16 in any manner communicated to the short-term guardian or to
17 any other person. Any person other than the short-term
18 guardian to whom a revocation or amendment is communicated or
19 delivered shall make all reasonable efforts to inform the
20 short-term guardian of that fact as promptly as possible.

21 (d) The appointment of a short-term guardian or successor
22 short-term guardian does not affect the rights in the person
23 with a disability of any guardian other than the appointing
24 guardian.

25 (e) The written instrument appointing a short-term
26 guardian may, but need not, be in the following form:

1 APPOINTMENT OF SHORT-TERM GUARDIAN

2 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

3 By properly completing this form, a guardian is
4 appointing a short-term guardian of the person with a
5 disability for a cumulative total of up to 60 days during
6 any 12-month period. A separate form shall be completed
7 each time a short-term guardian takes over guardianship
8 duties. The person or persons appointed as the short-term
9 guardian shall sign the form, but need not do so at the
10 same time as the guardian.]

11 1. Guardian and Ward. I, (insert name of appointing
12 guardian), currently residing at (insert address of
13 appointing guardian), am the guardian of the following
14 person with a disability: (insert name of ward).

15 2. Short-term Guardian. I hereby appoint the following
16 person as the short-term guardian for my ward: (insert
17 name and address of appointed person).

18 3. Effective date. This appointment becomes effective:
19 (check one if you wish it to be applicable)

20 () On the date that I state in writing that I am no
21 longer either willing or able to make and carry out
22 day-to-day care decisions concerning my ward.

23 () On the date that a physician familiar with my
24 condition certifies in writing that I am no longer willing
25 or able to make and carry out day-to-day care decisions

1 concerning my ward.

2 () On the date that I am admitted as an in-patient to
3 a hospital or other health care institution.

4 () On the following date: (insert date).

5 () Other: (insert other).

6 [NOTE: If this item is not completed, the appointment
7 is effective immediately upon the date the form is signed
8 and dated below.]

9 4. Termination. This appointment shall terminate on:
10 (enter a date corresponding to 60 days from the current
11 date, less the number of days within the past 12 months
12 that any short-term guardian has taken over guardianship
13 duties), unless it terminates sooner as determined by the
14 event or date I have indicated below: (check one if you
15 wish it to be applicable)

16 () On the date that I state in writing that I am
17 willing and able to make and carry out day-to-day care
18 decisions concerning my ward.

19 () On the date that a physician familiar with my
20 condition certifies in writing that I am willing and able
21 to make and carry out day-to-day care decisions concerning
22 my ward.

23 () On the date that I am discharged from the hospital
24 or other health care institution where I was admitted as
25 an in-patient, which established the effective date.

26 () On the date which is (state a number of days) days

1 after the effective date.

2 () Other: (insert other).

3 [NOTE: If this item is not completed, the appointment
4 will be effective until the 60th day within the past year
5 during which time any short-term guardian of this ward had
6 taken over guardianship duties from the guardian,
7 beginning on the effective date.]

8 5. Date and signature of appointing guardian. This
9 appointment is made this (insert day) day of (insert month
10 and year).

11 Signed: (appointing guardian)

12 6. Witnesses. I saw the guardian sign this instrument
13 or I saw the guardian direct someone to sign this
14 instrument for the guardian. Then I signed this instrument
15 as a witness in the presence of the guardian. I am not
16 appointed in this instrument to act as the short-term
17 guardian for the guardian's ward. (insert space for names,
18 addresses, and signatures of 2 witnesses)

19 7. Acceptance of short-term guardian. I accept this
20 appointment as short-term guardian on this (insert day)
21 day of (insert month and year).

22 Signed: (short-term guardian)

23 [END OF FORM]

24 (f) Each time the guardian appoints a short-term guardian,
25 the guardian shall: (i) provide the person with a disability
26 with the name, address, and telephone number of the short-term

1 guardian; (ii) advise the person with a disability that he has
2 the right to object to the appointment of the short-term
3 guardian by filing a petition in court; and (iii) notify the
4 person with a disability when the short-term guardian will be
5 taking over guardianship duties and the length of time that
6 the short-term guardian will be acting as guardian.

7 (Source: P.A. 102-72, eff. 1-1-22.)

8 (755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)

9 Sec. 11a-5. Who may act as guardian.

10 (a) A person is qualified to act as guardian of the person
11 and as guardian of the estate of a person with a disability if
12 the court finds that the proposed guardian is capable of
13 providing an active and suitable program of guardianship for
14 the person with a disability and that the proposed guardian:

15 (1) has attained the age of 18 years;

16 (2) is a resident of the United States;

17 (3) is not of unsound mind;

18 (4) is not an adjudged person with a disability as
19 defined in this Act; and

20 (5) has not been convicted of a felony, unless the
21 court finds appointment of the person convicted of a
22 felony to be in the best interests of the person with a
23 disability, and as part of the best interests
24 determination, the court has considered the nature of the
25 offense, the date of offense, and the evidence of the

1 proposed guardian's rehabilitation. No person shall be
2 appointed who has been convicted of a felony involving
3 harm or threat to a minor or an elderly person or a person
4 with a disability, including a felony sexual offense.

5 (b) Any public agency, or not-for-profit corporation found
6 capable by the court of providing an active and suitable
7 program of guardianship for the person with a disability,
8 taking into consideration the nature of such person's
9 disability and the nature of such organization's services, may
10 be appointed guardian of the person or of the estate, or both,
11 of the person with a disability. The court shall not appoint as
12 guardian an agency or employee of an agency that is directly
13 providing residential services to the ward. One person or
14 agency may be appointed guardian of the person and another
15 person or agency appointed guardian of the estate.

16 (b-5)(1) The court may appoint separate individuals or
17 entities to act as the guardian of the person and the guardian
18 of the estate of a person with a disability if the court finds
19 it is in the best interests of the person with a disability
20 that separate guardians be appointed. The court shall not
21 appoint a separate person or entity to act as guardian of the
22 person or guardian of the estate with a public guardian or the
23 Division Office of State Guardian unless the public guardian
24 or the Division Office of State Guardian agrees to such an
25 appointment.

26 (2) The court may appoint co-guardians to act as guardian

1 of the person, guardian of the estate, or both the guardian of
2 the person and the guardian of the estate if the court finds it
3 is in the best interests of the person with a disability. When
4 considering appointing co-guardians, the court shall consider
5 the proposed co-guardians' history of cooperating and working
6 together on behalf of the person with a disability. The court
7 shall appoint only co-guardians who agree to serve together.
8 The court shall not appoint a public guardian or the Division
9 ~~Office~~ of State Guardian as a co-guardian for a person with a
10 disability.

11 (c) Any corporation qualified to accept and execute trusts
12 in this State may be appointed guardian or limited guardian of
13 the estate of a person with a disability.

14 (Source: P.A. 102-72, eff. 1-1-22.)

15 (755 ILCS 5/11a-5.1)

16 Sec. 11a-5.1. Multiple guardianships. The court may not
17 appoint an individual the guardian of the person or estate of
18 an adult with disabilities before the individual has disclosed
19 to the court the number of adults with disabilities over which
20 the individual is currently appointed as guardian. If the
21 court determines that an individual is appointed guardian over
22 more than 5 adults with disabilities, then the court shall
23 issue an order directing the circuit court clerk to notify the
24 Department of Disability Advocacy and Guardianship ~~and~~
25 ~~Advocacy Commission~~, in a form and manner prescribed by the

1 Department of Disability Advocacy and Guardianship and
2 Advocacy Commission. The clerk shall notify the Department of
3 Disability Advocacy and Guardianship and Advocacy Commission
4 no later than 7 days after the entry of the order. The
5 Department of Disability Advocacy and Guardianship and
6 Advocacy Commission shall maintain a list of all notifications
7 it receives under this Section for reference by other agencies
8 or units of government or the public. This Section does not
9 apply to the Division Office of ~~the~~ State Guardian or a public
10 guardian.

11 (Source: P.A. 100-659, eff. 1-1-19.)

12 (755 ILCS 5/11a-8.1)

13 Sec. 11a-8.1. Petition for standby guardian of the person
14 with a disability. The petition for appointment of a standby
15 guardian of the person or the estate, or both, of a person with
16 a disability must state, if known: (a) the name, date of birth,
17 and residence of the person with a disability; (b) the names
18 and post office addresses of the nearest relatives of the
19 person with a disability in the following order: (1) the
20 spouse and adult children, parents and adult brothers and
21 sisters, if any; if none, (2) nearest adult kindred known to
22 the petitioner; (c) the name and post office address of the
23 person having guardianship of the person with a disability,
24 and of any person or persons acting as agents of the person
25 with a disability under the Illinois Power of Attorney Act;

1 (d) the name, post office address, and, in case of any
2 individual, the age and occupation of the proposed standby
3 guardian; (e) the preference of the person with a disability
4 as to the choice of standby guardian; (f) the facts concerning
5 the consent of the guardian of the person with a disability to
6 the appointment of the standby guardian, or the willingness
7 and ability of the guardian of the person with a disability to
8 make and carry out day-to-day care decisions concerning the
9 person with a disability; (g) the facts concerning the
10 execution or admission to probate of the written designation
11 of the standby guardian, if any, a copy of which shall be
12 attached to or filed with the petition; (h) the facts
13 concerning any guardianship court actions pending concerning
14 the person with a disability; and (i) the facts concerning the
15 willingness of the proposed standby guardian to serve, and in
16 the case of the Division ~~Office~~ of State Guardian and any
17 public guardian, evidence of a written acceptance to serve
18 signed by the Division of State Guardian or public guardian or
19 an authorized representative of the Division of State Guardian
20 or public guardian, consistent with subsection (b) of Section
21 11a-3.1.

22 (Source: P.A. 99-143, eff. 7-27-15.)

23 (755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)

24 Sec. 11a-9. Report.

25 (a) The petition for adjudication of disability and for

1 appointment of a guardian should be accompanied by a report
2 which contains (1) a description of the nature and type of the
3 respondent's disability and an assessment of how the
4 disability impacts on the ability of the respondent to make
5 decisions or to function independently; (2) an analysis and
6 results of evaluations of the respondent's mental and physical
7 condition and, where appropriate, educational condition,
8 adaptive behavior and social skills, which have been performed
9 within 3 months of the date of the filing of the petition, or,
10 in the case of an intellectual disability, a psychological
11 evaluation of the respondent that has been performed by a
12 clinical psychologist licensed under the Clinical Psychologist
13 Licensing Act, within one year of the date of the filing of the
14 petition; (3) an opinion as to whether guardianship is needed,
15 the type and scope of the guardianship needed, and the reasons
16 therefor; (4) a recommendation as to the most suitable living
17 arrangement and, where appropriate, treatment or habilitation
18 plan for the respondent and the reasons therefor; (5) the
19 name, business address, business telephone number, and
20 signatures of all persons who performed the evaluations upon
21 which the report is based, one of whom shall be a licensed
22 physician, or may, in the case of an intellectual disability,
23 be a clinical psychologist licensed under the Clinical
24 Psychologist Licensing Act, and a statement of the
25 certification, license, or other credentials that qualify the
26 evaluators who prepared the report.

1 (b) If for any reason no report accompanies the petition,
2 the court shall order appropriate evaluations to be performed
3 by a qualified person or persons and a report prepared and
4 filed with the court at least 10 days prior to the hearing.

5 (b-5) Upon oral or written motion by the respondent or the
6 guardian ad litem or upon the court's own motion, the court
7 shall appoint one or more independent experts to examine the
8 respondent. Upon the filing with the court of a verified
9 statement of services rendered by the expert or experts, the
10 court shall determine a reasonable fee for the services
11 performed. If the respondent is unable to pay the fee, the
12 court may enter an order upon the petitioner to pay the entire
13 fee or such amount as the respondent is unable to pay. However,
14 in cases where the Division Office of State Guardian is the
15 petitioner, consistent with Section 30 of the Guardianship and
16 Advocacy Act, no expert services fees shall be assessed
17 against the Division Office of the State Guardian.

18 (c) Unless the court otherwise directs, any report
19 prepared pursuant to this Section shall not be made part of the
20 public record of the proceedings but shall be available to the
21 court or an appellate court in which the proceedings are
22 subject to review, to the respondent, the petitioner, the
23 guardian, and their attorneys, to the respondent's guardian ad
24 litem, and to such other persons as the court may direct.

25 Accessibility to a report prepared pursuant to this
26 Section shall be in accordance with Section 5 of the Court

1 Record and Document Accessibility Act.

2 (Source: P.A. 102-109, eff. 1-1-22; 103-166, eff. 1-1-24.)

3 (755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

4 Sec. 11a-12. Order of appointment.

5 (a) If basis for the appointment of a guardian as
6 specified in Section 11a-3 is not found, the court shall
7 dismiss the petition.

8 (b) If the respondent is adjudged to be a person with a
9 disability and to lack some but not all of the capacity as
10 specified in Section 11a-3, and if the court finds that
11 guardianship is necessary for the protection of the person
12 with a disability, his or her estate, or both, the court shall
13 appoint a limited guardian for the respondent's person or
14 estate or both. The court shall enter a written order stating
15 the factual basis for its findings and specifying the duties
16 and powers of the guardian and the legal disabilities to which
17 the respondent is subject.

18 (c) If the respondent is adjudged to be a person with a
19 disability and to be totally without capacity as specified in
20 Section 11a-3, and if the court finds that limited
21 guardianship will not provide sufficient protection for the
22 person with a disability, his or her estate, or both, the court
23 shall appoint a plenary guardian for the respondent's person
24 or estate or both. The court shall enter a written order
25 stating the factual basis for its findings.

1 (d) The selection of the guardian shall be in the
2 discretion of the court, which shall give due consideration to
3 the preference of the person with a disability as to a
4 guardian, as well as the qualifications of the proposed
5 guardian, in making its appointment. However, the paramount
6 concern in the selection of the guardian is the best interests
7 and well-being of the person with a disability.

8 One person or agency may be appointed a limited or plenary
9 guardian of the person and another person or corporate trustee
10 appointed as a limited or plenary guardian of the estate. If
11 different persons are appointed, the court shall consider the
12 factors set forth in subsection (b-5) of Section 11a-5. The
13 court shall enter a written order stating the factual basis
14 for its findings.

15 (e) The order of appointment of a guardian shall include
16 the requirement that the guardian complete the training
17 program as provided in Section 33.5 of the Guardianship and
18 Advocacy Act that outlines the responsibilities of the
19 guardian of the person and the rights of the person under
20 guardianship and file with the court a certificate of
21 completion within one year from the date of issuance of the
22 letters of guardianship, except that: (1) the chief judge of
23 any circuit may order implementation of another training
24 program by a suitable provider containing substantially
25 similar content; (2) employees of the Division ~~Office~~ of ~~the~~
26 State Guardian, public guardians, attorneys currently

1 authorized to practice law, corporate fiduciaries, and persons
2 certified by the Center for Guardianship Certification are
3 exempt from this training requirement; and (3) the court may,
4 for good cause shown, exempt from this requirement an
5 individual not otherwise listed in item (2). For the purposes
6 of this subsection (e), good cause may be proven by affidavit.
7 If the court finds good cause to exempt an individual from the
8 training requirement, the order of appointment shall so state.
9 (Source: P.A. 104-237, eff. 1-1-26.)

10 (755 ILCS 5/11a-13) (from Ch. 110 1/2, par. 11a-13)

11 Sec. 11a-13. Costs in certain cases.)

12 (a) No costs may be taxed or charged by any public officer
13 in any proceeding for the appointment of a guardian or for any
14 subsequent proceeding or report made in pursuance of the
15 appointment when the primary purpose of the appointment is as
16 set forth in Section 11-11 or is the management of the estate
17 of a person with a mental disability who resides in a state
18 mental health or developmental disabilities facility when the
19 value of the personal estate does not exceed \$1,000.

20 (b) No costs shall be taxed or charged against the
21 Division Office ~~Office~~ of ~~the~~ State Guardian by any public officer in
22 any proceeding for the appointment of a guardian or for any
23 subsequent proceeding or report made in pursuance of the
24 appointment.

25 (Source: P.A. 99-143, eff. 7-27-15.)

1 (755 ILCS 5/11a-14.1) (from Ch. 110 1/2, par. 11a-14.1)
2 Sec. 11a-14.1. Residential placement.) No guardian
3 appointed under this Article, except for duly appointed Public
4 Guardians and the Division ~~Office~~ of State Guardian, shall
5 have the power, unless specified by court order, to place his
6 ward in a residential facility. The guardianship order may
7 specify the conditions on which the guardian may admit the
8 ward to a residential facility without further court order. In
9 making residential placement decisions, the guardian shall
10 make decisions in conformity with the preferences of the ward
11 unless the guardian is reasonably certain that the decisions
12 will result in substantial harm to the ward or to the ward's
13 estate. When the preferences of the ward cannot be ascertained
14 or where they will result in substantial harm to the ward or to
15 the ward's estate, the guardian shall make decisions with
16 respect to the ward's placement which are in the best
17 interests of the ward. The guardian shall not remove the ward
18 from his or her home or separate the ward from family and
19 friends unless such removal is necessary to prevent
20 substantial harm to the ward or to the ward's estate. The
21 guardian shall have a duty to investigate the availability of
22 reasonable residential alternatives. The guardian shall
23 monitor the placement of the ward on an on-going basis to
24 ensure its continued appropriateness, and shall pursue
25 appropriate alternatives as needed.

1 (Source: P.A. 90-250, eff. 7-29-97.)

2 (755 ILCS 5/11a-17) (from Ch. 110 1/2, par. 11a-17)

3 Sec. 11a-17. Duties of personal guardian.

4 (a) To the extent ordered by the court and under the
5 direction of the court, the guardian of the person shall have
6 custody of the ward and the ward's minor and adult dependent
7 children and shall procure for them and shall make provision
8 for their support, care, comfort, health, education and
9 maintenance, and professional services as are appropriate, but
10 the ward's spouse may not be deprived of the custody and
11 education of the ward's minor and adult dependent children,
12 without the consent of the spouse, unless the court finds that
13 the spouse is not a fit and competent person to have that
14 custody and education. The guardian shall assist the ward in
15 the development of maximum self-reliance and independence. The
16 guardian of the person may petition the court for an order
17 directing the guardian of the estate to pay an amount
18 periodically for the provision of the services specified by
19 the court order. If the ward's estate is insufficient to
20 provide for education and the guardian of the ward's person
21 fails to provide education, the court may award the custody of
22 the ward to some other person for the purpose of providing
23 education. If a person makes a settlement upon or provision
24 for the support or education of a ward, the court may make an
25 order for the visitation of the ward by the person making the

1 settlement or provision as the court deems proper. A guardian
2 of the person may not admit a ward to a mental health facility
3 except at the ward's request as provided in Article IV of the
4 Mental Health and Developmental Disabilities Code and unless
5 the ward has the capacity to consent to such admission as
6 provided in Article IV of the Mental Health and Developmental
7 Disabilities Code.

8 (a-3) If a guardian of an estate has not been appointed,
9 the guardian of the person may, without an order of court,
10 open, maintain, and transfer funds to an ABLE account on
11 behalf of the ward and the ward's minor and adult dependent
12 children as specified under Section 16.6 of the State
13 Treasurer Act.

14 (a-5) If the ward filed a petition for dissolution of
15 marriage under the Illinois Marriage and Dissolution of
16 Marriage Act before the ward was adjudicated a person with a
17 disability under this Article, the guardian of the ward's
18 person and estate may maintain that action for dissolution of
19 marriage on behalf of the ward. Upon petition by the guardian
20 of the ward's person or estate, the court may authorize and
21 direct a guardian of the ward's person or estate to file a
22 petition for dissolution of marriage or to file a petition for
23 legal separation or declaration of invalidity of marriage
24 under the Illinois Marriage and Dissolution of Marriage Act on
25 behalf of the ward if the court finds by clear and convincing
26 evidence that the relief sought is in the ward's best

1 interests. In making its determination, the court shall
2 consider the standards set forth in subsection (e) of this
3 Section.

4 (a-10) Upon petition by the guardian of the ward's person
5 or estate, the court may authorize and direct a guardian of the
6 ward's person or estate to consent, on behalf of the ward, to
7 the ward's marriage pursuant to Part II of the Illinois
8 Marriage and Dissolution of Marriage Act if the court finds by
9 clear and convincing evidence that the marriage is in the
10 ward's best interests. In making its determination, the court
11 shall consider the standards set forth in subsection (e) of
12 this Section. Upon presentation of a court order authorizing
13 and directing a guardian of the ward's person and estate to
14 consent to the ward's marriage, the county clerk shall accept
15 the guardian's application, appearance, and signature on
16 behalf of the ward for purposes of issuing a license to marry
17 under Section 203 of the Illinois Marriage and Dissolution of
18 Marriage Act.

19 (b) If the court directs, the guardian of the person shall
20 file with the court at intervals indicated by the court, a
21 report that shall state briefly: (1) the current mental,
22 physical, and social condition of the ward and the ward's
23 minor and adult dependent children; (2) their present living
24 arrangement, and a description and the address of every
25 residence where they lived during the reporting period and the
26 length of stay at each place; (3) a summary of the medical,

1 educational, vocational, and other professional services given
2 to them; (4) a resume of the guardian's visits with and
3 activities on behalf of the ward and the ward's minor and adult
4 dependent children; (5) a recommendation as to the need for
5 continued guardianship; (6) any other information requested by
6 the court or useful in the opinion of the guardian. The
7 Division Office of ~~the~~ State Guardian shall assist the
8 guardian in filing the report when requested by the guardian.
9 The court may take such action as it deems appropriate
10 pursuant to the report.

11 (c) Absent court order pursuant to the Illinois Power of
12 Attorney Act directing a guardian to exercise powers of the
13 principal under an agency that survives disability, the
14 guardian has no power, duty, or liability with respect to any
15 personal or health care matters covered by the agency. This
16 subsection (c) applies to all agencies, whenever and wherever
17 executed.

18 (d) A guardian acting as a surrogate decision maker under
19 the Health Care Surrogate Act shall have all the rights of a
20 surrogate under that Act without court order including the
21 right to make medical treatment decisions such as decisions to
22 forgo or withdraw life-sustaining treatment. Any decisions by
23 the guardian to forgo or withdraw life-sustaining treatment
24 that are not authorized under the Health Care Surrogate Act
25 shall require a court order. Nothing in this Section shall
26 prevent an agent acting under a power of attorney for health

1 care from exercising his or her authority under the Illinois
2 Power of Attorney Act without further court order, unless a
3 court has acted under Section 2-10 of the Illinois Power of
4 Attorney Act. If a guardian is also a health care agent for the
5 ward under a valid power of attorney for health care, the
6 guardian acting as agent may execute his or her authority
7 under that act without further court order.

8 (e) Decisions made by a guardian on behalf of a ward shall
9 be made in accordance with the following standards for
10 decision making. The guardian shall consider the ward's
11 current preferences to the extent the ward has the ability to
12 participate in decision making when those preferences are
13 known or reasonably ascertainable by the guardian. Decisions
14 by the guardian shall conform to the ward's current
15 preferences: (1) unless the guardian reasonably believes that
16 doing so would result in substantial harm to the ward's
17 welfare or personal or financial interests; and (2) so long as
18 such decisions give substantial weight to what the ward, if
19 competent, would have done or intended under the
20 circumstances, taking into account evidence that includes, but
21 is not limited to, the ward's personal, philosophical,
22 religious and moral beliefs, and ethical values relative to
23 the decision to be made by the guardian. Where possible, the
24 guardian shall determine how the ward would have made a
25 decision based on the ward's previously expressed preferences,
26 and make decisions in accordance with the preferences of the

1 ward. If the ward's wishes are unknown and remain unknown
2 after reasonable efforts to discern them, or if the guardian
3 reasonably believes that a decision made in conformity with
4 the ward's preferences would result in substantial harm to the
5 ward's welfare or personal or financial interests, the
6 decision shall be made on the basis of the ward's best
7 interests as determined by the guardian. In determining the
8 ward's best interests, the guardian shall weigh the reason for
9 and nature of the proposed action, the benefit or necessity of
10 the action, the possible risks and other consequences of the
11 proposed action, and any available alternatives and their
12 risks, consequences and benefits, and shall take into account
13 any other information, including the views of family and
14 friends, that the guardian believes the ward would have
15 considered if able to act for herself or himself.

16 (f) Upon petition by any interested person (including the
17 standby or short-term guardian), with such notice to
18 interested persons as the court directs and a finding by the
19 court that it is in the best interests of the person with a
20 disability, the court may terminate or limit the authority of
21 a standby or short-term guardian or may enter such other
22 orders as the court deems necessary to provide for the best
23 interests of the person with a disability. The petition for
24 termination or limitation of the authority of a standby or
25 short-term guardian may, but need not, be combined with a
26 petition to have another guardian appointed for the person

1 with a disability.

2 (g) (1) Unless there is a court order to the contrary, the
3 guardian, consistent with the standards set forth in
4 subsection (e) of this Section, shall use reasonable efforts
5 to notify the ward's known adult children, who have requested
6 notification and provided contact information, of the ward's
7 admission to a hospital, hospice, or palliative care program,
8 the ward's death, and the arrangements for the disposition of
9 the ward's remains.

10 (2) If a guardian unreasonably prevents an adult child,
11 spouse, adult grandchild, parent, or adult sibling of the ward
12 from visiting the ward, the court, upon a verified petition,
13 may order the guardian to permit visitation between the ward
14 and the adult child, spouse, adult grandchild, parent, or
15 adult sibling. In making its determination, the court shall
16 consider the standards set forth in subsection (e) of this
17 Section. The court shall not allow visitation if the court
18 finds that the ward has capacity to evaluate and communicate
19 decisions regarding visitation and expresses a desire not to
20 have visitation with the petitioner. This subsection (g) does
21 not apply to duly appointed public guardians or the Division
22 ~~Office~~ of State Guardian.

23 (Source: P.A. 101-329, eff. 8-9-19; 102-72, eff. 1-1-22;
24 102-258, eff. 8-6-21; 102-813, eff. 5-13-22.)

25 (755 ILCS 5/12-4) (from Ch. 110 1/2, par. 12-4)

1 Sec. 12-4. When security excused or specified.✚

2 (a) Except as provided in paragraph (c) of Section 6-13
3 with respect to a nonresident executor, no security is
4 required of a person who is excused by the will from giving
5 bond or security and no greater security than is specified by
6 the will is required, unless in either case the court, from its
7 own knowledge or the suggestion of any interested person, has
8 cause to suspect the representative of fraud or incompetence
9 or believes that the estate of the decedent will not be
10 sufficient to discharge all the claims against the estate, or
11 in the case of a testamentary guardian of the estate, that the
12 rights of the ward will be prejudiced by failure to give
13 security.

14 (b) If a person designates a guardian of his person or
15 estate or both to be appointed in the event he is adjudged a
16 person with a disability as provided in Section 11a-6 and
17 excuses the guardian from giving bond or security, or if the
18 guardian is the Division Office ~~Office~~ of State Guardian, the
19 guardian's bond in the amount from time to time required under
20 this Article shall be in full force and effect without
21 writing, unless the court requires the filing of a written
22 bond.

23 (c) The Division Office ~~Office~~ of State Guardian shall not be
24 required to have sureties or surety companies as security on
25 its bonds. The oath and bond of the representative without
26 surety shall be sufficient.

1 (Source: P.A. 99-143, eff. 7-27-15.)

2 (755 ILCS 5/13-1) (from Ch. 110 1/2, par. 13-1)

3 Sec. 13-1. Appointment and term of public administrator
4 and public guardian.

5 (a) Except as provided in Section 13-1.1, before the first
6 Monday of December, 1977 and every 4 years thereafter, and as
7 often as vacancies occur, the Governor, by and with the advice
8 and consent of the Senate, shall appoint in each county a
9 suitable person to serve as public administrator and a
10 suitable person to serve as public guardian of the county. The
11 Governor may designate, without the advice and consent of the
12 Senate, the Division ~~Office~~ of State Guardian as an interim
13 public guardian to fill a vacancy in one or more counties
14 having a population of 500,000 or less if the designation:

15 (1) is specifically designated as an interim
16 appointment for a term of the lesser of one year or until
17 the Governor appoints, with the advice and consent of the
18 Senate, a county public guardian to fill the vacancy;

19 (2) requires the Division ~~Office~~ of State Guardian to
20 affirm its availability to act in the county; and

21 (3) expires in a pending case of a person with a
22 disability in the county at such a time as the court
23 appoints a qualified successor guardian of the estate and
24 person for the person with a disability.

25 When appointed as an interim public guardian, the Division

1 of State Guardian will perform the powers and duties assigned
2 to it under the Guardianship and Advocacy Act.

3 The Governor may appoint the same person to serve as
4 public guardian and public administrator in one or more
5 counties. In considering the number of counties of service for
6 any prospective public guardian or public administrator the
7 Governor may consider the population of the county and the
8 ability of the prospective public guardian or public
9 administrator to travel to multiple counties and manage
10 estates in multiple counties. Each person so appointed holds
11 his office for 4 years from the first Monday of December, 1977
12 and every 4 years thereafter or until his successor is
13 appointed and qualified.

14 (b) Within 14 days of notification to the current public
15 guardian of the appointment by the Governor of a new public
16 guardian pursuant to this Section, the outgoing public
17 guardian shall provide the incoming successor public guardian
18 with a list of current guardianships. Within 60 days of
19 receipt of the list of guardianships, the incoming public
20 guardian may petition the court for a transfer of a
21 guardianship to the incoming public guardian. The transfer of
22 a guardianship of the person, estate, or both shall be made if
23 it is in the best interests of the ward as determined by the
24 court on a case-by-case basis.

25 Factors for the court to consider include, but are not
26 limited to, the following:

1 (1) the ward's preference as to the transfer of the
2 guardianship;

3 (2) the recommendation of the guardian ad litem, the
4 ward's family members, and other interested parties;

5 (3) the length of time in which the outgoing public
6 guardian has served as guardian for the ward;

7 (4) the ward's relationship with the outgoing public
8 guardian's office;

9 (5) the nature and extent of the ward's disabilities;

10 (6) the ward's current residential placement, his or
11 her current support network, and ongoing needs;

12 (7) the costs involved in the transfer of the ward's
13 estate;

14 (8) the status of pending legal matters or other
15 matters germane to the ward's care or the management of
16 the ward's estate;

17 (9) the obligation to post bond and the cost thereof;

18 (10) the guardians' status with regard to
19 certification by the Center for Guardianship
20 Certification; and

21 (11) other good causes.

22 If the court approves a transfer to the incoming public
23 guardian, the outgoing public guardian shall file a final
24 account of his or her activities on behalf of the ward within
25 30 days or within such other time that the court may allow. The
26 outgoing public guardian may file a petition for final fees

1 pursuant to subsection (b) of Section 13-3.1.

2 (Source: P.A. 102-72, eff. 1-1-22.)

3 (755 ILCS 5/13-1.2)

4 Sec. 13-1.2. Certification requirement. Each person
5 appointed as a public guardian by the Governor shall be
6 certified as a National Certified Guardian by the Center for
7 Guardianship Certification within 6 months after his or her
8 appointment. The Department of Disability Advocacy and
9 Guardianship and Advocacy Commission shall provide public
10 guardians with information about certification requirements
11 and procedures for testing and certification offered by the
12 Center for Guardianship Certification. The cost of
13 certification shall be considered an expense connected with
14 the operation of the public guardian's office within the
15 meaning of subsection (b) of Section 13-3.1 of this Article.

16 A public guardian shall additionally complete a one-hour
17 course regarding Alzheimer's disease and dementia within 6
18 months of appointment and annually thereafter. The training
19 program shall include, but not be limited to, the following
20 topics: effective communication strategies; best practices for
21 interacting with people with Alzheimer's disease and related
22 forms of dementia; and strategies for supporting people living
23 with Alzheimer's disease or related forms of dementia in
24 exercising their rights.

25 (Source: P.A. 103-64, eff. 1-1-24.)

1 Section 10-130. The Supported Decision-Making Agreement
2 Act is amended by changing Section 30 as follows:

3 (755 ILCS 9/30)

4 Sec. 30. Supporter duties.

5 (a) Except as otherwise provided by a supported
6 decision-making agreement, a supporter may:

7 (1) Assist the principal in understanding information,
8 options, responsibilities, and consequences of the life
9 decisions of the principal, including those decisions
10 related to the affairs or support services of the
11 principal.

12 (2) Help the principal access, obtain, and understand
13 any information that is relevant to any given life
14 decision, including a medical, psychological, financial,
15 or educational decision, or any treatment records or
16 records necessary to manage the affairs or support
17 services of the principal.

18 (3) Assist the principal in finding, obtaining, making
19 appointments for, and implementing the support services or
20 plans for support services of the principal.

21 (4) Help the principal monitor information about the
22 affairs or support services of the principal, including
23 keeping track of future necessary or recommended services.

24 (5) Ascertain the wishes and decisions of the

1 principal in order to advocate that the wishes and
2 decisions of an individual with disabilities are
3 implemented.

4 (b) A supporter shall act with the care, competence, and
5 diligence ordinarily exercised by an individual in a similar
6 circumstance, with due regard to the possession of, or lack
7 of, special skills or expertise.

8 (c) A supporter shall seek training and education
9 regarding the responsibilities and limitations of the
10 supporter role. The Department of Disability Advocacy and
11 Guardianship and Advocacy Commission shall provide public
12 information about this Act and the supporter role,
13 responsibilities, and limitations.

14 The Department of Disability Advocacy and Guardianship ~~and~~
15 ~~Advocacy Commission~~ shall develop training and education
16 materials for both principals and supporters, including, but
17 not limited to, sample agreements that will be posted on the
18 website of the Department ~~Commission~~ along with public
19 awareness materials.

20 (Source: P.A. 102-614, eff. 2-27-22.)

21 Section 10-135. The Illinois Power of Attorney Act is
22 amended by changing Section 2-7 as follows:

23 (755 ILCS 45/2-7) (from Ch. 110 1/2, par. 802-7)

24 Sec. 2-7. Duty - standard of care - record-keeping -

1 exoneration.

2 (a) The agent shall be under no duty to exercise the powers
3 granted by the agency or to assume control of or
4 responsibility for any of the principal's property, care or
5 affairs, regardless of the principal's physical or mental
6 condition. Whenever a power is exercised, the agent shall act
7 in good faith for the benefit of the principal using due care,
8 competence, and diligence in accordance with the terms of the
9 agency and shall be liable for negligent exercise. An agent
10 who acts with due care for the benefit of the principal shall
11 not be liable or limited merely because the agent also
12 benefits from the act, has individual or conflicting interests
13 in relation to the property, care or affairs of the principal
14 or acts in a different manner with respect to the agency and
15 the agent's individual interests. The agent shall not be
16 affected by any amendment or termination of the agency until
17 the agent has actual knowledge thereof. The agent shall not be
18 liable for any loss due to error of judgment nor for the act or
19 default of any other person.

20 (b) An agent that has accepted appointment must act in
21 accordance with the principal's expectations to the extent
22 actually known to the agent and otherwise in the principal's
23 best interests.

24 (c) An agent shall keep a record of all receipts,
25 disbursements, and significant actions taken under the
26 authority of the agency and shall provide a copy of this record

1 when requested to do so by:

2 (1) the principal, a guardian, another fiduciary
3 acting on behalf of the principal, and, after the death of
4 the principal, the personal representative or successors
5 in interest of the principal's estate;

6 (2) a representative of a provider agency, as defined
7 in Section 2 of the Adult Protective Services Act, acting
8 in the course of an assessment of a complaint of elder
9 abuse or neglect under that Act;

10 (3) a representative of the Office of the State Long
11 Term Care Ombudsman, acting in the course of an
12 investigation of a complaint of financial exploitation of
13 a nursing home resident under Section 4.04 of the Illinois
14 Act on the Aging;

15 (4) a representative of the Office of Inspector
16 General for the Department of Human Services, acting in
17 the course of an assessment of a complaint of financial
18 exploitation of an adult with disabilities pursuant to
19 Section 35 of the Abuse of Adults with Disabilities
20 Intervention Act;

21 (5) a court under Section 2-10 of this Act; or

22 (6) a representative of the Division ~~Office~~ of State
23 Guardian or public guardian for the county in which the
24 principal resides acting in the course of investigating
25 whether to file a petition for guardianship of the
26 principal under Section 11a-4 or 11a-8 of the Probate Act

1 of 1975.

2 (d) If the agent fails to provide his or her record of all
3 receipts, disbursements, and significant actions within 21
4 days after a request under subsection (c), the adult abuse
5 provider agency, the Division of State Guardian, the public
6 guardian, or a representative of the Office of the State Long
7 Term Care Ombudsman may petition the court for an order
8 requiring the agent to produce his or her record of receipts,
9 disbursements, and significant actions. If the court finds
10 that the agent's failure to provide his or her record in a
11 timely manner to the adult abuse provider agency, the Division
12 of State Guardian, the public guardian, or a representative of
13 the Office of the State Long Term Care Ombudsman was without
14 good cause, the court may assess reasonable costs and
15 attorney's fees against the agent, and order such other relief
16 as is appropriate.

17 (e) An agent is not required to disclose receipts,
18 disbursements, or other significant actions conducted on
19 behalf of the principal except as otherwise provided in the
20 power of attorney or as required under subsection (c).

21 (f) An agent that violates this Act is liable to the
22 principal or the principal's successors in interest for the
23 amount required (i) to restore the value of the principal's
24 property to what it would have been had the violation not
25 occurred, and (ii) to reimburse the principal or the
26 principal's successors in interest for the attorney's fees and

1 costs paid on the agent's behalf. This subsection does not
2 limit any other applicable legal or equitable remedies.

3 (Source: P.A. 100-952, eff. 1-1-19.)

4 Article 15.

5 Section 15-5. The Illinois Human Rights Act is amended by
6 changing Sections 7-101, 7A-102, 7B-102, 8-101, and 8-105 and
7 by adding Section 9-103 as follows:

8 (775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

9 Sec. 7-101. Powers and duties. In addition to other powers
10 and duties prescribed in this Act, the Department shall have
11 the following powers:

12 (A) Rules and Regulations. To adopt, promulgate, amend,
13 and rescind rules and regulations not inconsistent with the
14 provisions of this Act pursuant to the Illinois Administrative
15 Procedure Act.

16 (B) Charges. To issue, receive, investigate, conciliate,
17 settle, and dismiss charges filed in conformity with this Act.

18 (C) Compulsory Process. To issue ~~request~~ subpoenas as it
19 deems necessary for its investigations.

20 (D) Complaints. To file complaints with the Commission in
21 conformity with this Act and to intervene in complaints
22 pending before the Commission filed under Article 2, 4, 5, 5A,
23 or 6.

1 (E) Judicial Enforcement. To seek temporary relief and to
2 enforce orders of the Commission in conformity with this Act.

3 (F) Equal Employment Opportunities. To take such action as
4 may be authorized to provide for equal employment
5 opportunities and affirmative action.

6 (G) Recruitment; Research; Public Communication; Advisory
7 Councils. To engage in such recruitment, research and public
8 communication and create such advisory councils as may be
9 authorized to effectuate the purposes of this Act.

10 (H) Coordination with other Agencies. To coordinate its
11 activities with federal, state, and local agencies in
12 conformity with this Act.

13 (I) Grants; Private Gifts.

14 (1) To accept public grants and private gifts as may
15 be authorized.

16 (2) To design grant programs and award grants to
17 eligible recipients.

18 (J) Education and Training. To implement a formal and
19 unbiased program of education and training for all employees
20 assigned to investigate and conciliate charges under Articles
21 7A and 7B. The training program shall include the following:

22 (1) substantive and procedural aspects of the
23 investigation and conciliation positions;

24 (2) current issues in human rights law and practice;

25 (3) lectures by specialists in substantive areas
26 related to human rights matters;

1 (4) orientation to each operational unit of the
2 Department and Commission;

3 (5) observation of experienced Department
4 investigators and attorneys conducting conciliation
5 conferences, combined with the opportunity to discuss
6 evidence presented and rulings made;

7 (6) the use of hypothetical cases requiring the
8 Department investigator and conciliation conference
9 attorney to issue judgments as a means of ~~to~~ evaluating
10 knowledge and writing ability;

11 (7) writing skills;

12 (8) computer skills, including but not limited to word
13 processing and document management.

14 A formal, unbiased and ongoing professional development
15 program including, but not limited to, the above-noted areas
16 shall be implemented to keep Department investigators and
17 attorneys informed of recent developments and issues and to
18 assist them in maintaining and enhancing their professional
19 competence.

20 (K) Hotlines. To establish and maintain hotlines and
21 helplines to aid in effectuating the purposes of this Act
22 including the confidential reporting of discrimination,
23 harassment, and bias incidents. All communications received or
24 sent via the hotlines and helplines are exempt from disclosure
25 under the Freedom of Information Act.

26 (Source: P.A. 102-1115, eff. 1-9-23; 103-335, eff. 1-1-24;

1 103-859, eff. 1-1-25.)

2 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

3 Sec. 7A-102. Procedures.

4 (A) Charge.

5 (1) Within 2 years after the date that a civil rights
6 violation allegedly has been committed, a charge in
7 writing under oath or affirmation may be filed with the
8 Department by an aggrieved party or issued by the
9 Department itself under the signature of the Director.

10 (2) The charge shall be in such detail as to
11 substantially apprise any party properly concerned as to
12 the time, place, and facts surrounding the alleged civil
13 rights violation.

14 (3) Charges deemed filed with the Department pursuant
15 to subsection (A-1) of this Section shall be deemed to be
16 in compliance with this subsection.

17 (A-1) Equal Employment Opportunity Commission Charges.

18 (1) If a charge is filed with the Equal Employment
19 Opportunity Commission (EEOC) within 300 calendar days
20 after the date of the alleged civil rights violation, the
21 charge shall be deemed filed with the Department on the
22 date filed with the EEOC. If the EEOC is the governmental
23 agency designated to investigate the charge first, the
24 Department shall take no action until the EEOC makes a
25 determination on the charge and after the complainant

1 notifies the Department of the EEOC's determination. In
2 such cases, after receiving notice from the EEOC that a
3 charge was filed, the Department shall notify the parties
4 that (i) a charge has been received by the EEOC and has
5 been sent to the Department for dual filing purposes; (ii)
6 the EEOC is the governmental agency responsible for
7 investigating the charge and that the investigation shall
8 be conducted pursuant to the rules and procedures adopted
9 by the EEOC; (iii) it will take no action on the charge
10 until the EEOC issues its determination; (iv) the
11 complainant must submit a copy of the EEOC's determination
12 within 30 days after service of the determination by the
13 EEOC on the complainant; and (v) that the time period to
14 investigate the charge contained in subsection (G) of this
15 Section is tolled from the date on which the charge is
16 filed with the EEOC until the EEOC issues its
17 determination.

18 (2) If the EEOC finds reasonable cause to believe that
19 there has been a violation of federal law and if the
20 Department is timely notified of the EEOC's findings by
21 the complainant, the Department shall notify the
22 complainant that the Department has adopted the EEOC's
23 determination of reasonable cause and that the complainant
24 has the right, within 90 days after receipt of the
25 Department's notice, to either file the complainant's own
26 complaint with the Illinois Human Rights Commission or

1 commence a civil action in the appropriate circuit court
2 or other appropriate court of competent jurisdiction. This
3 notice shall be provided to the complainant within 10
4 business days after the Department's receipt of the EEOC's
5 determination. The Department's notice to the complainant
6 that the Department has adopted the EEOC's determination
7 of reasonable cause shall constitute the Department's
8 Report for purposes of subparagraph (D) of this Section.

9 (3) For those charges alleging violations within the
10 jurisdiction of both the EEOC and the Department and for
11 which the EEOC either (i) does not issue a determination,
12 but does issue the complainant a notice of a right to sue,
13 including when the right to sue is issued at the request of
14 the complainant, or (ii) determines that it is unable to
15 establish that illegal discrimination has occurred and
16 issues the complainant a right to sue notice, and if the
17 Department is timely notified of the EEOC's determination
18 by the complainant, the Department shall notify the
19 parties, within 10 business days after receipt of the
20 EEOC's determination, that the Department will adopt the
21 EEOC's determination as a dismissal for lack of
22 substantial evidence unless the complainant requests in
23 writing within 35 days after receipt of the Department's
24 notice that the Department review the EEOC's
25 determination.

26 (a) If the complainant does not file a written

1 request with the Department to review the EEOC's
2 determination within 35 days after receipt of the
3 Department's notice, the Department shall notify the
4 complainant, within 10 business days after the
5 expiration of the 35-day period, that the decision of
6 the EEOC has been adopted by the Department as a
7 dismissal for lack of substantial evidence and that
8 the complainant has the right, within 90 days after
9 receipt of the Department's notice, to commence a
10 civil action in the appropriate circuit court or other
11 appropriate court of competent jurisdiction. The
12 Department's notice to the complainant that the
13 Department has adopted the EEOC's determination shall
14 constitute the Department's report for purposes of
15 subparagraph (D) of this Section.

16 (b) If the complainant does file a written request
17 with the Department to review the EEOC's
18 determination, the Department shall review the EEOC's
19 determination and any evidence obtained by the EEOC
20 during its investigation. If, after reviewing the
21 EEOC's determination and any evidence obtained by the
22 EEOC, the Department determines there is no need for
23 further investigation of the charge, the Department
24 shall issue a report and the Director shall determine
25 whether there is substantial evidence that the alleged
26 civil rights violation has been committed pursuant to

1 subsection (D) of this Section. If, after reviewing
2 the EEOC's determination and any evidence obtained by
3 the EEOC, the Department determines there is a need
4 for further investigation of the charge, the
5 Department may conduct any further investigation it
6 deems necessary. After reviewing the EEOC's
7 determination, the evidence obtained by the EEOC, and
8 any additional investigation conducted by the
9 Department, the Department shall issue a report and
10 the Director shall determine whether there is
11 substantial evidence that the alleged civil rights
12 violation has been committed pursuant to subsection
13 (D) of this Section.

14 (4) Pursuant to this Section, if the EEOC dismisses
15 the charge or a portion of the charge of discrimination
16 because, under federal law, the EEOC lacks jurisdiction
17 over the charge, and if, under this Act, the Department
18 has jurisdiction over the charge of discrimination, the
19 Department shall investigate the charge or portion of the
20 charge dismissed by the EEOC for lack of jurisdiction
21 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
22 (E), (F), (G), (H), (I), (J), and (K) of this Section.

23 (5) The time limit set out in subsection (G) of this
24 Section is tolled from the date on which the charge is
25 filed with the EEOC to the date on which the EEOC issues
26 its determination.

1 (6) The failure of the Department to meet the
2 10-business-day notification deadlines set out in
3 paragraph (2) of this subsection shall not impair the
4 rights of any party.

5 (B) Notice and Response to Charge. The Department shall,
6 within 10 days of the date on which the charge was filed, serve
7 a copy of the charge on the respondent and provide all parties
8 with a notice of the complainant's right to opt out of the
9 investigation within 60 days as set forth in subsection (C-1).
10 This period shall not be construed to be jurisdictional. The
11 charging party and the respondent may each file a position
12 statement and other materials with the Department regarding
13 the charge of alleged discrimination within 60 days of receipt
14 of the notice of the charge. The position statements and other
15 materials filed shall remain confidential unless otherwise
16 agreed to by the party providing the information and shall not
17 be served on or made available to the other party during the
18 pendency of a charge with the Department. The Department may
19 require the respondent to file a response to the allegations
20 contained in the charge. Upon the Department's request, the
21 respondent shall file a response to the charge within 60 days
22 and shall serve a copy of its response on the complainant or
23 the complainant's representative. Notwithstanding any request
24 from the Department, the respondent may elect to file a
25 response to the charge within 60 days of receipt of notice of
26 the charge, provided the respondent serves a copy of its

1 response on the complainant or the complainant's
2 representative. All allegations contained in the charge not
3 denied by the respondent within 60 days of the Department's
4 request for a response may be deemed admitted, unless the
5 respondent states that it is without sufficient information to
6 form a belief with respect to such allegation. The Department
7 may issue a notice of default directed to any respondent who
8 fails to file a response to a charge within 60 days of receipt
9 of the Department's request, unless the respondent can
10 demonstrate good cause as to why such notice should not issue.
11 The term "good cause" shall be defined by rule promulgated by
12 the Department. Within 30 days of receipt of the respondent's
13 response, the complainant may file a reply to said response
14 and shall serve a copy of said reply on the respondent or the
15 respondent's representative. A party shall have the right to
16 supplement the party's response or reply at any time that the
17 investigation of the charge is pending. The Department shall,
18 within 10 days of the date on which the charge was filed, and
19 again no later than 335 days thereafter, send by certified or
20 registered mail, or electronic mail if elected by the party,
21 written notice to the complainant and to the respondent
22 informing the complainant of the complainant's rights to
23 either file a complaint with the Human Rights Commission or
24 commence a civil action in the appropriate circuit court under
25 subparagraph (2) of paragraph (G), including in such notice
26 the dates within which the complainant may exercise these

1 rights. In the notice the Department shall notify the
2 complainant that the charge of civil rights violation will be
3 dismissed with prejudice and with no right to further proceed
4 if a written complaint is not timely filed with the Commission
5 or with the appropriate circuit court by the complainant
6 pursuant to subparagraph (2) of paragraph (G) or by the
7 Department pursuant to subparagraph (1) of paragraph (G).

8 (B-1) Mediation. The complainant and respondent may agree
9 to voluntarily submit the charge to mediation without waiving
10 any rights that are otherwise available to either party
11 pursuant to this Act and without incurring any obligation to
12 accept the result of the mediation process. Nothing occurring
13 in mediation shall be disclosed by the Department or
14 admissible in evidence in any subsequent proceeding unless the
15 complainant and the respondent agree in writing that such
16 disclosure be made.

17 (C) Investigation.

18 (1) The Department shall conduct an investigation
19 sufficient to determine whether the allegations set forth
20 in the charge are supported by substantial evidence unless
21 the complainant elects to opt out of an investigation
22 pursuant to subsection (C-1).

23 (2) The Director or the Director's designated
24 representatives shall have authority to ~~request any member~~
25 ~~of the Commission to~~ issue subpoenas to compel the
26 attendance of a witness or the production for examination

1 of any books, records or documents whatsoever as it deems
2 necessary for the Department's investigations.

3 (3) If any witness whose testimony is required for any
4 investigation resides outside the State, or through
5 illness or any other good cause as determined by the
6 Director is unable to be interviewed by the investigator
7 or appear at a fact-finding ~~fact-finding~~ conference, the
8 witness' testimony or deposition may be taken, within or
9 without the State, in the same manner as is provided for in
10 the taking of depositions in civil cases in circuit
11 courts.

12 (4) Upon reasonable notice to the complainant and the
13 respondent, the Department in its discretion may conduct a
14 fact finding conference. If the complainant and respondent
15 both submit a written request for a fact finding
16 conference prior to 90 days after the date on which the
17 charge was filed, the Department shall conduct a fact
18 finding conference unless prior to the Department's
19 receipt of both requests, the Department has issued its
20 report. Any request for a fact finding conference must
21 include the party's written agreement to grant an
22 extension of 120 days to the time period if requested by
23 the Department to issue its report. If the Department
24 conducts a fact finding conference, a complainant or
25 respondent's failure to attend the conference without good
26 cause shall result in dismissal or default. The term "good

1 cause" shall be defined by rule promulgated by the
2 Department. A notice of dismissal or default shall be
3 issued by the Director. The notice of default issued by
4 the Director shall notify the respondent that a request
5 for review may be filed in writing with the Commission
6 within 30 days of receipt of notice of default. The notice
7 of dismissal issued by the Director shall give the
8 complainant notice of the complainant's right to seek
9 review of the dismissal before the Human Rights Commission
10 or commence a civil action in the appropriate circuit
11 court. If the complainant chooses to have the Human Rights
12 Commission review the dismissal order, the complainant
13 shall file a request for review with the Commission within
14 90 days after receipt of the Director's notice. If the
15 complainant chooses to file a request for review with the
16 Commission, the complainant may not later commence a civil
17 action in a circuit court. If the complainant chooses to
18 commence a civil action in a circuit court, the
19 complainant must do so within 90 days after receipt of the
20 Director's notice.

21 (C-1) Opt out of Department's investigation. At any time
22 within 60 days after receipt of notice of the right to opt out,
23 a complainant may submit a written request seeking notice from
24 the Director indicating that the complainant has opted out of
25 the investigation and may commence a civil action in the
26 appropriate circuit court or other appropriate court of

1 competent jurisdiction. Within 10 business days of receipt of
2 the complainant's request to opt out of the investigation, the
3 Director shall issue a notice to the parties stating that: (i)
4 the complainant has exercised the right to opt out of the
5 investigation; (ii) the complainant has 90 days after receipt
6 of the Director's notice to commence an action in the
7 appropriate circuit court or other appropriate court of
8 competent jurisdiction; and (iii) the Department has ceased
9 its investigation and is administratively closing the charge.
10 The complainant shall notify the Department that a complaint
11 has been filed with the appropriate circuit court by serving a
12 copy of the complaint on the chief legal counsel of the
13 Department within 21 days from the date that the complaint is
14 filed with the appropriate circuit court. This 21-day period
15 for service on the chief legal counsel shall not be construed
16 to be jurisdictional. Once a complainant has opted out of the
17 investigation under this subsection, the complainant may not
18 file or refile a substantially similar charge with the
19 Department arising from the same incident of unlawful
20 discrimination or harassment.

21 (D) Report.

22 (1) Each charge investigated under subsection (C)
23 shall be the subject of a report to the Director. The
24 report shall be a confidential document subject to review
25 by the Director, authorized Department employees, the
26 parties, and, where indicated by this Act, members of the

1 Commission or their designated hearing officers.

2 (2) Upon review of the report, the Director shall
3 determine whether there is substantial evidence that the
4 alleged civil rights violation has been committed. The
5 determination of substantial evidence is limited to
6 determining the need for further consideration of the
7 charge pursuant to this Act and includes, but is not
8 limited to, findings of fact and conclusions, as well as
9 the reasons for the determinations on all material issues.
10 Substantial evidence is evidence which a reasonable mind
11 accepts as sufficient to support a particular conclusion
12 and which consists of more than a mere scintilla but may be
13 somewhat less than a preponderance.

14 (3) If the Director determines that there is no
15 substantial evidence, the charge shall be dismissed by the
16 Director and the Director shall give the complainant
17 notice of the complainant's right to seek review of the
18 notice of dismissal before the Commission or commence a
19 civil action in the appropriate circuit court. If the
20 complainant chooses to have the Human Rights Commission
21 review the notice of dismissal, the complainant shall file
22 a request for review with the Commission within 90 days
23 after receipt of the Director's notice. If the complainant
24 chooses to file a request for review with the Commission,
25 the complainant may not later commence a civil action in a
26 circuit court. If the complainant chooses to commence a

1 civil action in a circuit court, the complainant must do
2 so within 90 days after receipt of the Director's notice.
3 The complainant shall notify the Department that a
4 complaint has been filed by serving a copy of the
5 complaint on the chief legal counsel of the Department
6 within 21 days from the date that the complaint is filed in
7 circuit court. This 21-day period for service on the chief
8 legal counsel shall not be construed to be jurisdictional.

9 (4) If the Director determines that there is
10 substantial evidence, the Director shall notify the
11 complainant and respondent of that determination. The
12 Director shall also notify the parties that the
13 complainant has the right to either commence a civil
14 action in the appropriate circuit court or request that
15 the Department of Human Rights file a complaint with the
16 Human Rights Commission on the complainant's behalf. Any
17 such complaint shall be filed within 90 days after receipt
18 of the Director's notice. If the complainant chooses to
19 have the Department file a complaint with the Human Rights
20 Commission on the complainant's behalf, the complainant
21 must, within 30 days after receipt of the Director's
22 notice, request in writing that the Department file the
23 complaint. If the complainant timely requests that the
24 Department file the complaint, the Department shall file
25 the complaint on the complainant's behalf. If the
26 complainant fails to timely request that the Department

1 file the complaint, the complainant may file the
2 complainant's complaint with the Commission or commence a
3 civil action in the appropriate circuit court. If the
4 complainant files a complaint with the Human Rights
5 Commission, the complainant shall notify the Department
6 that a 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
9 with the Human Rights Commission. This 21-day period for
10 service on the chief legal counsel shall not be construed
11 to be jurisdictional.

12 (E) Conciliation.

13 (1) When there is a finding of substantial evidence,
14 the Department may designate a Department employee who is
15 an attorney licensed to practice in Illinois to endeavor
16 to eliminate the effect of the alleged civil rights
17 violation and to prevent its repetition by means of
18 conference and conciliation.

19 (2) When the Department determines that a formal
20 conciliation conference is necessary, the complainant and
21 respondent shall be notified of the time and place of the
22 conference by registered or certified mail at least 10
23 days prior thereto and either or both parties shall appear
24 at the conference in person or by attorney.

25 (3) The place fixed for the conference shall be within
26 35 miles of the place where the civil rights violation is

1 alleged to have been committed.

2 (4) Nothing occurring at the conference shall be
3 disclosed by the Department unless the complainant and
4 respondent agree in writing that such disclosure be made.

5 (5) The Department's efforts to conciliate the matter
6 shall not stay or extend the time for filing the complaint
7 with the Commission or the circuit court.

8 (F) Complaint.

9 (1) When the complainant requests that the Department
10 file a complaint with the Commission on the complainant's
11 behalf, the Department shall prepare a written complaint,
12 under oath or affirmation, stating the nature of the civil
13 rights violation substantially as alleged in the charge
14 previously filed and the relief sought on behalf of the
15 aggrieved party. The Department shall file the complaint
16 with the Commission.

17 (1.5) If the complainant chooses to file a complaint
18 with the Commission without the Department's assistance,
19 the complainant shall notify the Department that a
20 complaint has been filed by serving a copy of the
21 complaint on the chief legal counsel of the Department
22 within 21 days from the date that the complaint is filed
23 with the Human Rights Commission. This 21-day period for
24 service on the chief legal counsel shall not be construed
25 to be jurisdictional.

26 (2) If the complainant chooses to commence a civil

1 action in a circuit court:

2 (i) The complainant shall file the civil action in
3 the circuit court in the county wherein the civil
4 rights violation was allegedly committed.

5 (ii) The form of the complaint in any such civil
6 action shall be in accordance with the Code of Civil
7 Procedure.

8 (iii) The complainant shall notify the Department
9 that a complaint has been filed by serving a copy of
10 the complaint on the chief legal counsel of the
11 Department within 21 days from the date that the
12 complaint is filed in circuit court. This 21-day
13 period for service on the chief legal counsel shall
14 not be construed to be jurisdictional.

15 (G) Time Limit.

16 (1) When a charge of a civil rights violation has been
17 properly filed, the Department, within 365 days thereof or
18 within any extension of that period agreed to in writing
19 by all parties, shall issue its report as required by
20 subparagraph (D). Any such report shall be duly served
21 upon both the complainant and the respondent.

22 (2) If the Department has not issued its report within
23 365 days after the charge is filed, or any such longer
24 period agreed to in writing by all the parties, the
25 complainant shall have 90 days to either file the
26 complainant's own complaint with the Human Rights

1 Commission or commence a civil action in the appropriate
2 circuit court. If the complainant files a complaint with
3 the Commission, the form of the complaint shall be in
4 accordance with the provisions of paragraph (F)(1). If the
5 complainant commences a civil action in a circuit court,
6 the form of the complaint shall be in accordance with the
7 Code of Civil Procedure. The aggrieved party shall notify
8 the Department that a complaint has been filed by serving
9 a copy of the complaint on the chief legal counsel of the
10 Department within ~~with~~ 21 days from the date that the
11 complaint is filed with the Commission or in circuit
12 court. This 21-day period for service on the chief legal
13 counsel shall not be construed to be jurisdictional. If
14 the complainant files a complaint with the Commission, the
15 complainant may not later commence a civil action in
16 circuit court.

17 (3) If an aggrieved party files a complaint with the
18 Human Rights Commission or commences a civil action in
19 circuit court pursuant to paragraph (2) of this
20 subsection, or if the time period for filing a complaint
21 has expired, the Department shall immediately cease its
22 investigation and dismiss the charge of civil rights
23 violation. Any final order entered by the Commission under
24 this Section is appealable in accordance with paragraph
25 (B)(1) of Section 8-111. Failure to immediately cease an
26 investigation and dismiss the charge of civil rights

1 violation as provided in this paragraph (3) constitutes
2 grounds for entry of an order by the circuit court
3 permanently enjoining the investigation. The Department
4 may also be liable for any costs and other damages
5 incurred by the respondent as a result of the action of the
6 Department.

7 (4) (Blank).

8 (H) Public Act 89-370 applies to causes of action filed on
9 or after January 1, 1996.

10 (I) Public Act 89-520 applies to causes of action filed on
11 or after January 1, 1996.

12 (J) The changes made to this Section by Public Act 95-243
13 apply to charges filed on or after the effective date of those
14 changes.

15 (K) The changes made to this Section by Public Act 96-876
16 apply to charges filed on or after the effective date of those
17 changes.

18 (L) The changes made to this Section by Public Act
19 100-1066 apply to charges filed on or after August 24, 2018
20 (the effective date of Public Act 100-1066).

21 (M) The changes made to this Section by Public Act 104-425
22 ~~this amendatory Act of the 104th General Assembly~~ apply to
23 charges pending or filed on or after January 1, 2026 (the
24 effective date of Public Act 104-425) ~~this amendatory Act of~~
25 ~~the 104th General Assembly~~.

26 (Source: P.A. 103-335, eff. 1-1-24; 103-973, eff. 1-1-25;

1 104-425, eff. 1-1-26; revised 12-12-25.)

2 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

3 Sec. 7B-102. Procedures.

4 (A) Charge.

5 (1) Within one year after the date that a civil rights
6 violation allegedly has been committed or terminated, a
7 charge in writing under oath or affirmation may be filed
8 with the Department by an aggrieved party or issued by the
9 Department itself under the signature of the Director.

10 (2) The charge shall be in such detail as to
11 substantially apprise any party properly concerned as to
12 the time, place, and facts surrounding the alleged civil
13 rights violation.

14 (B) Notice and Response to Charge.

15 (1) The Department shall serve notice upon the
16 aggrieved party acknowledging such charge and advising the
17 aggrieved party of the time limits and choice of forums
18 provided under this Act. The Department shall, within 10
19 days of the date on which the charge was filed or the
20 identification of an additional respondent under paragraph

21 (2) of this subsection, serve on the respondent a copy of
22 the charge along with a notice identifying the alleged
23 civil rights violation and advising the respondent of the
24 procedural rights and obligations of respondents under
25 this Act and may require the respondent to file a response

1 to the allegations contained in the charge. Upon the
2 Department's request, the respondent shall file a response
3 to the charge within 30 days and shall serve a copy of its
4 response on the complainant or his or her representative.
5 Notwithstanding any request from the Department, the
6 respondent may elect to file a response to the charge
7 within 30 days of receipt of notice of the charge,
8 provided the respondent serves a copy of its response on
9 the complainant or his or her representative. All
10 allegations contained in the charge not denied by the
11 respondent within 30 days after the Department's request
12 for a response may be deemed admitted, unless the
13 respondent states that it is without sufficient
14 information to form a belief with respect to such
15 allegation. The Department may issue a notice of default
16 directed to any respondent who fails to file a response to
17 a charge within 30 days of the Department's request,
18 unless the respondent can demonstrate good cause as to why
19 such notice should not issue. The term "good cause" shall
20 be defined by rule promulgated by the Department. Within
21 10 days of the date he or she receives the respondent's
22 response, the complainant may file his or her reply to
23 said response. If he or she chooses to file a reply, the
24 complainant shall serve a copy of said reply on the
25 respondent or his or her representative. A party may
26 supplement his or her response or reply at any time that

1 the investigation of the charge is pending.

2 (2) A person who is not named as a respondent in a
3 charge, but who is identified as a respondent in the
4 course of investigation, may be joined as an additional or
5 substitute respondent upon written notice, under
6 subsection (B), to such person, from the Department. Such
7 notice, in addition to meeting the requirements of
8 subsections (A) and (B), shall explain the basis for the
9 Department's belief that a person to whom the notice is
10 addressed is properly joined as a respondent.

11 (C) Investigation.

12 (1) The Department shall conduct a full investigation
13 of the allegations set forth in the charge and complete
14 such investigation within 100 days after the filing of the
15 charge, unless it is impracticable to do so. The
16 Department's failure to complete the investigation within
17 100 days after the proper filing of the charge does not
18 deprive the Department of jurisdiction over the charge.

19 (2) If the Department is unable to complete the
20 investigation within 100 days after the charge is filed,
21 the Department shall notify the complainant and respondent
22 in writing of the reasons for not doing so. The failure of
23 the Department to notify the complainant or respondent in
24 writing of the reasons for not doing so shall not deprive
25 the Department of jurisdiction over the charge.

26 (3) The Director or his or her designated

1 representative shall have authority to ~~request any member~~
2 ~~of the Commission to~~ issue subpoenas to compel the
3 attendance of a witness or the production for examination
4 of any books, records or documents whatsoever as it deems
5 necessary for the Department's investigations.

6 (4) If any witness whose testimony is required for any
7 investigation resides outside the State, or through
8 illness or any other good cause as determined by the
9 Director is unable to be interviewed by the investigator
10 or appear at a fact finding conference, his or her
11 testimony or deposition may be taken, within or without
12 the State, in the same manner as provided for in the taking
13 of depositions in civil cases in circuit courts.

14 (5) Upon reasonable notice to the complainant and the
15 respondent, the Department may conduct a fact finding
16 conference. When requested by the Department, a party's
17 failure to attend the conference without good cause may
18 result in dismissal or default. A notice of dismissal or
19 default shall be issued by the Director and shall notify
20 the relevant party that a request for review may be filed
21 in writing with the Commission within 30 days of receipt
22 of notice of dismissal or default.

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 The report shall contain:

5 (a) the names and dates of contacts with
6 witnesses;

7 (b) a summary and the date of correspondence and
8 other contacts with the aggrieved party and the
9 respondent;

10 (c) a summary description of other pertinent
11 records;

12 (d) a summary of witness statements; and

13 (e) answers to questionnaires.

14 A final report under this paragraph may be amended if
15 additional evidence is later discovered.

16 (2) Upon review of the report and within 100 days of
17 the filing of the charge, unless it is impracticable to do
18 so, the Director shall determine whether there is
19 substantial evidence that the alleged civil rights
20 violation has been committed or is about to be committed.
21 If the Director is unable to make the determination within
22 100 days after the filing of the charge, the Director
23 shall notify the complainant and respondent in writing of
24 the reasons for not doing so. The Director's failure to
25 make the determination within 100 days after the proper
26 filing of the charge does not deprive the Department of

1 jurisdiction over the charge.

2 (a) If the Director determines that there is no
3 substantial evidence, the charge shall be dismissed
4 and the aggrieved party notified that he or she may
5 seek review of the dismissal order before the
6 Commission. The aggrieved party shall have 90 days
7 from receipt of notice to file a request for review by
8 the Commission. The Director shall make public
9 disclosure of each such dismissal.

10 (b) If the Director determines that there is
11 substantial evidence, he or she shall immediately
12 issue a complaint on behalf of the aggrieved party
13 pursuant to subsection (F).

14 (E) Conciliation.

15 (1) During the period beginning with the filing of a
16 charge and ending with the filing of a complaint or a
17 dismissal by the Department, the Department shall, to the
18 extent feasible, engage in conciliation with respect to
19 such charge.

20 When the Department determines that a formal
21 conciliation conference is feasible, the aggrieved party
22 and respondent shall be notified of the time and place of
23 the conference by registered or certified mail at least 7
24 days prior thereto and either or both parties shall appear
25 at the conference in person or by attorney.

26 (2) The place fixed for the conference shall be within

1 35 miles of the place where the civil rights violation is
2 alleged to have been committed.

3 (3) Nothing occurring at the conference shall be made
4 public or used as evidence in a subsequent proceeding for
5 the purpose of proving a violation under this Act unless
6 the complainant and respondent agree in writing that such
7 disclosure be made.

8 (4) A conciliation agreement arising out of such
9 conciliation shall be an agreement between the respondent
10 and the complainant, and shall be subject to approval by
11 the Department and Commission.

12 (5) A conciliation agreement may provide for binding
13 arbitration of the dispute arising from the charge. Any
14 such arbitration that results from a conciliation
15 agreement may award appropriate relief, including monetary
16 relief.

17 (6) Each conciliation agreement shall be made public
18 unless the complainant and respondent otherwise agree and
19 the Department determines that disclosure is not required
20 to further the purpose of this Act.

21 (F) Complaint.

22 (1) When there is a failure to settle or adjust any
23 charge through a conciliation conference and the charge is
24 not dismissed, the Department shall prepare a written
25 complaint, under oath or affirmation, stating the nature
26 of the civil rights violation and the relief sought on

1 behalf of the aggrieved party. Such complaint shall be
2 based on the final investigation report and need not be
3 limited to the facts or grounds alleged in the charge
4 filed under subsection (A).

5 (2) The complaint shall be filed with the Commission.

6 (3) The Department may not issue a complaint under
7 this Section regarding an alleged civil rights violation
8 after the beginning of the trial of a civil action
9 commenced by the aggrieved party under any State or
10 federal law, seeking relief with respect to that alleged
11 civil rights violation.

12 (G) Time Limit.

13 (1) When a charge of a civil rights violation has been
14 properly filed, the Department, within 100 days thereof,
15 unless it is impracticable to do so, shall either issue
16 and file a complaint in the manner and form set forth in
17 this Section or shall order that no complaint be issued.
18 Any such order shall be duly served upon both the
19 aggrieved party and the respondent. The Department's
20 failure to either issue and file a complaint or order that
21 no complaint be issued within 100 days after the proper
22 filing of the charge does not deprive the Department of
23 jurisdiction over the charge.

24 (2) The Director shall make available to the aggrieved
25 party and the respondent, at any time, upon request
26 following completion of the Department's investigation,

1 information derived from an investigation and any final
2 investigative report relating to that investigation.

3 (H) This amendatory Act of 1995 applies to causes of
4 action filed on or after January 1, 1996.

5 (I) The changes made to this Section by Public Act 95-243
6 apply to charges filed on or after the effective date of those
7 changes.

8 (J) The changes made to this Section by this amendatory
9 Act of the 96th General Assembly apply to charges filed on or
10 after the effective date of those changes.

11 (Source: P.A. 101-530, eff. 1-1-20; 102-362, eff. 1-1-22.)

12 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

13 Sec. 8-101. Illinois Human Rights Commission.

14 (A) Creation; appointments. The Human Rights Commission is
15 created and hereby redesignated as an independent commission
16 under the Department for administrative purposes. The
17 Commission shall ~~to~~ consist of 7 members appointed by the
18 Governor with the advice and consent of the Senate. No more
19 than 4 members shall be of the same political party. The
20 Governor shall designate one member as chairperson. All
21 appointments shall be in writing and filed with the Secretary
22 of State as a public record.

23 Notwithstanding any provision of this Section to the
24 contrary, beginning on January 15, 2029, and thereafter, the
25 Commission shall consist of 5 members appointed by the

1 Governor with the advice and consent of the Senate. No more
2 than 3 members shall be of the same political party.

3 (B) Terms. Of the members first appointed, 4 shall be
4 appointed for a term to expire on the third Monday of January
5 2021, and 3 (including the Chairperson) shall be appointed for
6 a term to expire on the third Monday of January 2023.

7 ~~Notwithstanding any provision of this Section to the~~
8 ~~contrary, the term of office of each member of the Illinois~~
9 ~~Human Rights Commission is abolished on January 19, 2019.~~
10 ~~Incumbent members holding a position on the Commission that~~
11 ~~was created by Public Act 84-115 and whose terms, if not for~~
12 ~~Public Act 100-1066, would have expired January 18, 2021 shall~~
13 ~~continue to exercise all of the powers and be subject to all of~~
14 ~~the duties of members of the Commission until June 30, 2019 or~~
15 ~~until their respective successors are appointed and qualified,~~
16 ~~whichever is earlier.~~

17 Thereafter, each member shall serve for a term of 4 years
18 and until the member's successor is appointed and qualified;
19 except that any member chosen to fill a vacancy occurring
20 otherwise than by expiration of a term shall be appointed only
21 for the unexpired term of the member whom the member shall
22 succeed and until the member's successor is appointed and
23 qualified.

24 Notwithstanding any provision of this Section to the
25 contrary, for the members whose terms expire in January 2027,
26 the terms of their respective successors shall expire

1 concurrently with the members whose terms expire on January
2 15, 2029. Notwithstanding any provision of this Section to the
3 contrary, of the 5 members appointed to terms beginning in
4 January 2029, 3 members shall be appointed to a term to expire
5 on the third Monday of January 2031, and 2 members, including
6 the chairperson, shall be appointed for a term to expire on the
7 third Monday of January 2033. Thereafter, each member shall
8 serve for a term of 4 years and until the member's successor is
9 appointed and qualified; except that any member chosen to fill
10 a vacancy occurring otherwise than by expiration of a term
11 shall be appointed only for the unexpired term of the member
12 whom the member shall succeed and until the member's successor
13 is appointed and qualified.

14 (C) Vacancies.

15 (1) In the case of vacancies on the Commission during
16 a recess of the Senate, the Governor shall make a
17 temporary appointment until the next meeting of the Senate
18 when the Governor shall appoint a person to fill the
19 vacancy. Any person so nominated and confirmed by the
20 Senate shall hold office for the remainder of the term and
21 until the person's successor is appointed and qualified.

22 (2) If the Senate is not in session at the time this
23 Act takes effect, the Governor shall make temporary
24 appointments to the Commission as in the case of
25 vacancies.

26 (3) Vacancies in the Commission shall not impair the

1 right of the remaining members to exercise all the powers
2 of the Commission. Except when authorized by this Act to
3 proceed through a 3 member panel, a majority of the
4 members of the Commission then in office shall constitute
5 a quorum.

6 (D) Compensation. On and after January 19, 2019, the
7 Chairperson of the Commission shall be compensated at the rate
8 of \$125,000 per year, or as set by the Compensation Review
9 Board, whichever is greater, during the Chairperson's service
10 as Chairperson, and each other member shall be compensated at
11 the rate of \$119,000 per year, or as set by the Compensation
12 Review Board, whichever is greater. In addition, all members
13 of the Commission shall be reimbursed for expenses actually
14 and necessarily incurred by them in the performance of their
15 duties.

16 (E) (Blank).

17 (F) A formal training program for newly appointed
18 commissioners shall be implemented. The training program shall
19 include the following:

20 (1) substantive and procedural aspects of the office
21 of commissioner;

22 (2) current issues in employment and housing
23 discrimination and public accommodation law and practice;

24 (3) orientation to each operational unit of the Human
25 Rights Commission;

26 (4) observation of experienced hearing officers and

1 commissioners conducting hearings of cases, combined with
2 the opportunity to discuss evidence presented and rulings
3 made;

4 (5) the use of hypothetical cases requiring the newly
5 appointed commissioner to issue judgments as a means of
6 evaluating knowledge and writing ability;

7 (6) writing skills; and

8 (7) professional and ethical standards.

9 A formal and ongoing professional development program
10 including, but not limited to, the above-noted areas shall be
11 implemented to keep commissioners informed of recent
12 developments and issues and to assist them in maintaining and
13 enhancing their professional competence. Each commissioner
14 shall complete 20 hours of training in the above-noted areas
15 during every 2 years the commissioner remains in office.

16 (G) Commissioners must meet one of the following
17 qualifications:

18 (1) licensed to practice law in the State of Illinois;

19 (2) at least 3 years of experience as a hearing
20 officer at the Human Rights Commission; or

21 (3) at least 4 years of professional experience
22 working for or dealing with individuals or corporations
23 affected by this Act or similar laws in other
24 jurisdictions, including, but not limited to, experience
25 with a civil rights advocacy group, a fair housing group,
26 a community organization, a trade association, a union, a

1 law firm, a legal aid organization, an employer's human
2 resources department, an employment discrimination
3 consulting firm, a community affairs organization, or a
4 municipal human relations agency.

5 The Governor's appointment message, filed with the
6 Secretary of State and transmitted to the Senate, shall state
7 specifically how the experience of a nominee for commissioner
8 meets the requirement set forth in this subsection. The
9 Chairperson must have public or private sector management and
10 budget experience, as determined by the Governor.

11 Each commissioner shall devote full time to the
12 commissioner's duties and any commissioner who is an attorney
13 shall not engage in the practice of law, nor shall any
14 commissioner hold any other office or position of profit under
15 the United States or this State or any municipal corporation
16 or political subdivision of this State, nor engage in any
17 other business, employment, or vocation.

18 (H) (Blank).

19 (I) Each commissioner may engage in outreach, public
20 education, training activities, and other assignments that
21 further the purposes of the Commission and are consistent with
22 the commissioner's official duties, including as recommended
23 by the Chairperson.

24 (Source: P.A. 102-1129, eff. 2-10-23; 103-326, eff. 1-1-24;
25 103-605, eff. 7-1-24; 103-859, eff. 1-1-25.)

1 (775 ILCS 5/8-105) (from Ch. 68, par. 8-105)

2 Sec. 8-105. Settlement.

3 (A) Approval.

4 (1) When a proposed settlement is submitted by the
5 Department, the Commission, through a panel of 3 members,
6 shall determine whether to approve its terms and
7 conditions.

8 (2) A settlement of any complaint and its underlying
9 charge or charges may be effectuated at any time upon
10 agreement of the parties, with or without the Commission's
11 approval, and shall act as a full and final resolution of
12 the matter. If the parties desire that the Commission
13 retain jurisdiction over the matter for purposes of
14 enforcing the terms of the settlement, the terms shall be
15 reduced to writing, signed by the parties, and submitted
16 to the Commission for approval. Any settlement to which
17 the Department is a party shall be subject to approval by
18 the Commission. The Commission, through a panel of 3
19 members, shall determine whether to approve the
20 settlement.

21 (3) The Commission's determination of whether to
22 approve a settlement shall occur within 15 days after the
23 settlement is filed with the Commission. Approval of the
24 settlement shall be accomplished by an order, served on
25 the parties and the Department, in accord with the written
26 terms of the settlement.

1 (B) Violation. When the Department files notice of a
2 settlement order violation, the Commission, through a panel of
3 3 ~~three~~ members, may either order the Department to seek
4 enforcement of the settlement order pursuant to paragraph (C)
5 of Section 8-111 or remand for any type of hearing as it may
6 deem necessary pursuant to paragraph (D) of Section 8A-103.

7 (C) Dismissal for Refusal to Accept Settlement Offer. The
8 Commission shall dismiss a complaint and the underlying charge
9 or charges of the complaint if the Commission is satisfied
10 that:

11 1. the respondent has eliminated the effects of the
12 civil rights violation charged and taken steps to prevent
13 repetition of the violation; or

14 2. the respondent offers and the complainant declines
15 to accept the terms of settlement that the Commission
16 determines are sufficient to eliminate the effect of the
17 civil rights violation charged and to prevent repetition
18 of the violation.

19 In determining whether the respondent has eliminated the
20 effects of the civil rights violation charged, or has offered
21 terms of settlement sufficient to eliminate same, the
22 Commission shall consider the extent to which the respondent
23 has either fully provided, or reasonably offered by way of
24 terms of settlement, as the case may be, the relevant relief
25 available to the complainant under Section 8A-104 of this Act.

26 At any time after the service of a complaint pursuant to

1 Section 8A-102 of this Act, and prior to service of a decision
2 prepared pursuant to Section 8A-102(I), a respondent may move
3 for a recommended order dismissing a complaint and the
4 underlying charge or charges for complainant's refusal to
5 accept terms of settlement that are sufficient to eliminate
6 the effects of the civil rights violation charged in the
7 complaint and to eliminate repetition of the violation.
8 Respondent's motion and complainant's reply, if any, shall
9 comply with the requirements for summary decision set forth in
10 Section 8-106.1 of this Act.

11 (D) This amendatory Act of 1996 applies to causes of
12 action filed on or after January 1, 1996.

13 (Source: P.A. 101-661, eff. 4-2-21.)

14 (775 ILCS 5/9-103 new)

15 Sec. 9-103. Transfer of the Commission.

16 (a) The Commission retains all the rights, powers, duties,
17 and responsibilities vested in the Commission by law,
18 including the power to select hearing officers, except that
19 all finance, accounting, human resources, labor relations,
20 communications, purchasing, procurement, administrative
21 functions or other resources necessary to the operation of the
22 Commission shall be vested in and shall be exercised by the
23 Department in support of the Commission. The Commission and
24 the Department shall retain independent capacity to sue and be
25 sued.

1 (b) The personnel of the Commission responsible for the
2 administrative functions listed in subsection (a) are
3 transferred to the Department. The status and rights of
4 personnel of the Commission under the Personnel Code are not
5 affected by the transfer. The rights of the employees and the
6 State of Illinois and its agencies under the Personnel Code,
7 the Illinois Public Labor Relations Act, and applicable
8 collective bargaining agreements or under any pension,
9 retirement, or annuity plan are not affected by this
10 amendatory Act of the 104th General Assembly. The Commission
11 shall at all times operate with dedicated personnel and
12 employees qualified to execute the day-to-day powers, duties,
13 and responsibilities vested in the Commission by law.

14 (c) All books, records, papers, documents, property (real
15 and personal), contracts, causes of action, and pending
16 business pertaining to the rights, powers, duties, and
17 responsibilities transferred by this amendatory Act of the
18 104th General Assembly from the Commission to the Department,
19 including, but not limited to, material in electronic or
20 magnetic format and necessary computer hardware and software,
21 are transferred to the Department.

22 (d) Any rules that relate to the rights, powers, duties,
23 and responsibilities of the Commission and are in force on the
24 effective date of the changes made to this Section by this
25 Section shall continue in effect until amended or repealed.
26 This amendatory Act of the 104th General Assembly does not

1 affect the legality of any such rules.

2 (e) This amendatory Act of the 104th General Assembly does
3 not affect any act done, ratified, or canceled, any right
4 occurring or established, or any action or proceeding had or
5 commenced in an administrative, civil, or criminal cause by
6 the Commission before the effective date of this Section.
7 Those actions or proceedings shall be continued, in accordance
8 with this amendatory Act of the 104th General Assembly, by the
9 Commission.

10 (f) The appropriation for the Commission shall be separate
11 from the overall appropriation for the Department. To the
12 extent functions or personnel of the Commission are
13 transferred to the Department under this amendatory Act of the
14 104th General Assembly, all unexpended appropriations and
15 balances and other funds available for use relating to those
16 functions or personnel shall be transferred for use by the
17 Department. Unexpended balances so transferred shall be
18 expended only for the purpose for which the appropriations
19 were originally made.

20 (775 ILCS 5/8-112 rep.)

21 Section 15-10. The Illinois Human Rights Act is amended by
22 repealing Section 8-112.

23 Article 20.

1 Section 20-5. The Illinois Human Rights Act is amended by
2 changing Section 2-106 as follows:

3 (775 ILCS 5/2-106)

4 Sec. 2-106. Accessibility Committee for Employees with
5 Disabilities, formerly the Interagency Committee on Employees
6 with Disabilities.

7 (A) As used in this Section:

8 "State agency" means all officers, boards, commissions,
9 and agencies created by the Constitution in the executive
10 branch; all officers, departments, boards, commissions,
11 agencies, institutions, authorities, universities, bodies
12 politic and corporate of the State; and administrative units
13 or corporate outgrowths of the State government which are
14 created by or pursuant to statute, other than units of local
15 government and their officers, school districts, and boards of
16 election commissioners; all administrative units and corporate
17 outgrowths of the above and as may be created by executive
18 order of the Governor.

19 "State employee" means an employee of a State agency.

20 (B) The Accessibility Committee for Employees with
21 Disabilities, formerly named the Interagency Committee on
22 Employees with Disabilities, created under repealed Section
23 19a of the Personnel Code, is continued as set forth in this
24 Section. The Committee is composed of 18 members as follows:
25 the Chairperson of the Civil Service Commission or his or her

1 designee, the Director of Veterans' Affairs or his or her
2 designee, the Director of Central Management Services or his
3 or her designee, the Secretary of Human Services or his or her
4 designee, the Director of Human Rights or his or her designee,
5 the Director of the Illinois Council on Developmental
6 Disabilities or his or her designee, the Lieutenant Governor
7 or his or her designee, the Attorney General or his or her
8 designee, the Secretary of State or his or her designee, the
9 State Comptroller or his or her designee, the State Treasurer
10 or his or her designee, and 7 State employees with
11 disabilities appointed by and serving at the pleasure of the
12 Governor.

13 (C) The Director of Human Rights and the Secretary of
14 Human Services shall serve as co-chairpersons of the
15 Committee. The Committee shall meet as often as it deems
16 necessary, but in no case less than 6 times annually at the
17 call of the co-chairpersons. Notice shall be given to the
18 members in writing in advance of a scheduled meeting.

19 (D) The Department of Human Rights shall provide
20 administrative support to the Committee.

21 (E) The purposes and functions of the Committee are: (1)
22 to provide a forum where problems of general concern to State
23 employees with disabilities can be raised and methods of their
24 resolution can be suggested to the appropriate State agencies;
25 (2) to provide a clearinghouse of information for State
26 employees with disabilities by working with those agencies to

1 develop and retain such information; (3) to promote
2 affirmative action efforts pertaining to the employment of
3 persons with disabilities by State agencies; and (4) to
4 recommend, where appropriate, means of strengthening the
5 affirmative action programs for employees with disabilities in
6 State agencies.

7 (F) The Committee shall annually make a complete report to
8 the General Assembly on the Committee's achievements and
9 accomplishments. Such report may also include an evaluation by
10 the Committee of the effectiveness of the hiring and
11 advancement practices in State government.

12 (G) This amendatory Act of the 99th General Assembly is
13 not intended to disqualify any current member of the Committee
14 from continued membership on the Committee in accordance with
15 the terms of this Section or the member's appointment.

16 (H) This amendatory Act of the 104th General Assembly is
17 not intended to change the operation, purpose, or function of
18 the Committee and is not intended to disqualify any current
19 member of the Committee from continued membership on the
20 Committee in accordance with the terms of this Section or the
21 member's appointment.

22 (Source: P.A. 99-314, eff. 8-7-15.)

23 Article 25.

24 Section 25-5. The Illinois Independent Tax Tribunal Act of

2012 is amended by changing Section 1-25 as follows:

(35 ILCS 1010/1-25)

Sec. 1-25. Judges; number; term of office; removal.

(a) The Governor shall, with the advice and consent of the Senate, appoint a Chief Administrative Law Judge to be the executive of the Tax Tribunal. The Chief Administrative Law Judge shall serve a 5-year term. The Governor may appoint additional administrative law judges, with the advice and consent of the Senate, as necessary to carry out the provisions of this Act, provided that no more than 4 administrative law judges, including the Chief Administrative Law Judge, shall serve at the same time. The administrative law judges, other than the Chief Administrative Law Judge, shall initially be appointed to staggered terms of no greater than 4 years. After the initial terms of office, all administrative law judges, other than the Chief Administrative Law Judge, shall be appointed for terms of 4 years. Each administrative law judge is eligible for reappointment.

(b) Once appointed and confirmed, each administrative law judge shall continue in office until his or her term expires and until a successor has been appointed and confirmed, subject to the provisions of Section 3A-40 of the Illinois Governmental Ethics Act.

(c) The office of an administrative law judge under this Section shall be vacant upon the administrative law judge's

1 death, resignation, retirement, or removal, or upon the
2 conclusion of his or her term without reappointment. Within 30
3 days after such a vacancy occurs, a successor administrative
4 law judge shall be appointed by the Governor, with the advice
5 and consent of the Senate, for the remainder of the current
6 unexpired term for that vacancy. In case of vacancies during
7 the recess of the Senate, the Governor shall make a temporary
8 appointment until the next meeting of the Senate, when the
9 Governor shall nominate some person to fill the office, and
10 any person so nominated who is confirmed by the Senate shall
11 hold office during the remainder of the term and until his or
12 her successor is appointed and qualified. No person rejected
13 by the Senate for the office of an administrative law judge
14 under this Section shall, except at the Senate's request, be
15 nominated again for that office at the same session or be
16 appointed to that office during a recess of that Senate.

17 (d) The Governor may remove an administrative law judge of
18 the Tax Tribunal, after notice and an opportunity to be heard,
19 for incompetency, neglect of duty, inability to perform
20 duties, malfeasance in office, or other good cause.

21 (e) Each administrative law judge of the Tax Tribunal,
22 including the Chief Administrative Law Judge, shall receive an
23 annual salary equal to that of the Director of the Department
24 of Revenue. The Chief Administrative Law Judge shall receive
25 an additional \$15,000 annual stipend. Beginning with the term
26 of the successor Chief Administrative Law Judge in 2029, the

1 Chief Administrative Law Judge shall no longer receive an
2 additional \$15,000 annual stipend.

3 (f) The Chief Administrative Law Judge shall have sole
4 charge of the administration of the Tax Tribunal and shall
5 apportion among the judges all causes, matters, and
6 proceedings coming before the Tax Tribunal. Each
7 administrative law judge shall exercise the power of the Tax
8 Tribunal.

9 (g) An administrative law judge may disqualify himself or
10 herself on his or her own motion in any matter, and may be
11 disqualified for any of the causes specified in the Illinois
12 Code of Judicial Conduct.

13 (Source: P.A. 97-1129, eff. 8-28-12.)

14 Article 40.

15 Section 40-5. The Illinois Holocaust and Genocide
16 Commission Act is amended by changing Section 30 as follows:

17 (20 ILCS 5010/30)

18 (Section scheduled to be repealed on January 1, 2032)

19 Sec. 30. Term of public member.

20 (a) A public member of the Commission serves a term of 4
21 years, except that the terms of the initial members shall
22 expire on February 1, 2015. Following the expiration of the
23 terms of the initial members of the Commission, the Governor

1 may re-appoint initial members as follows:

2 (1) five members to terms that expire February 1,
3 2016;

4 (2) five members to terms that expire February 1,
5 2017; and

6 (3) five members to terms that expire February 1,
7 2018.

8 Notwithstanding subsection (c) of this Section, initial
9 members re-appointed to terms that expire on February 1, 2016
10 or February 1, 2017 may be appointed to a 4-year term following
11 expiration of their re-appointment.

12 (a-5) Public members of the Commission added under this
13 amendatory Act of the 98th General Assembly shall serve 4-year
14 terms.

15 (b) A public member is eligible for reappointment ~~to~~
16 ~~another term or part of a term.~~

17 (c) (Blank). ~~A public member may not serve more than 2~~
18 ~~consecutive full terms. For purposes of this prohibition, a~~
19 ~~member is considered to have served a full term only if the~~
20 ~~member has served more than half of a 4-year term.~~

21 (Source: P.A. 98-793, eff. 7-28-14.)

22 Section 40-10. The Kaskaskia Regional Port District Act is
23 amended by changing Section 33 as follows:

24 (70 ILCS 1830/33) (from Ch. 19, par. 533)

1 Sec. 33. After the expiration of initial terms, such
2 successor shall hold office for the term of 3 years beginning
3 the first day of July of the year in which the term of office
4 commences, and until a successor is appointed and qualified.

5 In the case of a vacancy during the term of office of any
6 member, the Governor shall make an appointment for the
7 remainder of the term vacant and until a successor is
8 appointed and qualified. No more than 8 members of the Board
9 may be affiliated with the same political party at the time of
10 appointment.

11 (Source: Laws 1967, p. 1184.)

12 Article 99.

13 Section 99-95. No acceleration or delay. Where this Act
14 makes changes in a statute that is represented in this Act by
15 text that is not yet or no longer in effect (for example, a
16 Section represented by multiple versions), the use of that
17 text does not accelerate or delay the taking effect of (i) the
18 changes made by this Act or (ii) provisions derived from any
19 other Public Act.

20 Section 99-97. Severability. The provisions of this Act
21 are severable under Section 1.31 of the Statute on Statutes.

22 Section 99-99. Effective date. This Act takes effect upon

1 becoming law, except that Articles 15 and 20 take effect July
2 1, 2026 and Article 10 takes effect July 1, 2027.".