Sen. Julie A. Morrison

Filed: 5/29/2026

AMENDMENT TO HOUSE BILL 862

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

"Article 5.

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

(10 ILCS 5/12A-10)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15 ILCS 323/15)

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

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

(15 ILCS 323/20)

Sec. 20. Accessible Electronic Information Service Fund.

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

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

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

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

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

(20 ILCS 210/10.5 new)

Sec. 10.5. Transfer of moneys into the Illinois State Fair Fund. Notwithstanding any other provision of law, on July 1, 2026 or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the State Fair Promotional Activities Fund and the Watershed Park Fund into the Illinois State Fair Fund. Upon completion of the transfers, the State Fair Promotional Activities Fund and the Watershed Park Fund are dissolved, and any future deposits due to those funds and any outstanding obligations or liabilities of those funds shall pass to the Illinois State Fair Fund. This Section is repealed on January 1, 2027.

(20 ILCS 605/605-1085 rep.)

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

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

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

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

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

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

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

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

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

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

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

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

(20 ILCS 1305/10-50)

Sec. 10-50. Illinois Steps for Attaining Higher Education through Academic Development Program established. The Illinois Steps for Attaining Higher Education through Academic Development ("Illinois Steps AHEAD") program is established in the Illinois Department of Human Services. Illinois Steps AHEAD shall provide educational services and post-secondary educational scholarships for low-income middle and high school students. Program components shall include increased parent involvement, creative and engaging academic support for students, career exploration programs, college preparation, and increased collaboration with local schools. The Illinois Department of Human Services shall administer the program. The Department shall implement the program only if federal funding is made available for that purpose. All moneys received pursuant to the federal Gaining Early Awareness and Readiness for Undergraduate Programs shall be deposited into the Gaining Early Awareness and Readiness for Undergraduate Programs Fund, a special fund hereby created in the State treasury. Moneys in this fund shall be appropriated to the Department of Human Services and expended for the purposes and activities specified by the federal agency making the grant. All interest earnings on amounts in the Gaining Early Awareness and Readiness for Undergraduate Programs Fund shall accrue to the Gaining Early Awareness and Readiness for Undergraduate Programs Fund and be used in accordance with 34 CFR ~~C.F.R.~~ 75.703. Notwithstanding any other provision of law, on July 1, 2026 or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Gaining Early Awareness and Readiness for Undergraduate Programs Fund into the General Revenue Fund. Upon completion of the transfers, the Gaining Early Awareness and Readiness for Undergraduate Programs Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund shall pass to the General Revenue Fund. This Section is repealed on January 1, 2027.

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

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

(20 ILCS 1310/3.5 new)

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

(20 ILCS 1310/3.2 rep.)

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

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

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

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

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

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

(20 ILCS 2105/2105-15)

Sec. 2105-15. General powers and duties.

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

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

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

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

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

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

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

The Department shall issue a monthly disciplinary report.

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

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

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

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

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

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

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

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

(9) To perform other duties prescribed by law.

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

(b) (Blank).

(c) For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs, and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities set forth in Sections 504 and 508 of the Illinois Controlled Substances Act, the Director and agents appointed and authorized by the Director may expend sums from the General Professions Dedicated ~~Professional Regulation Evidence~~ Fund that the Director deems necessary ~~from the amounts appropriated~~ for that purpose. Those sums may be advanced to the agent when the Director deems that procedure to be in the public interest. Sums for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make the purchase from the General Professions Dedicated ~~Professional Regulation Evidence~~ Fund on vouchers signed by the Director. The Director and those agents are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set forth in this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the written signatures of 2 persons designated by the Director to write those checks and make those withdrawals. Vouchers for those expenditures must be signed by the Director. All such expenditures shall be audited by the Director, and the audit shall be submitted to the Department of Central Management Services for approval.

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

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

(f) (Blank).

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

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

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

In addition, a complaint filed with the Department by the Illinois Department of Revenue that includes a certification, signed by its Director or designee, attesting to the amount of the unpaid tax liability or the years for which a return was not filed, or both, is prima facie evidence of the licensee's failure to comply with the tax laws administered by the Illinois Department of Revenue. Upon receipt of that certification, the Department shall, without a hearing, immediately suspend all licenses held by the licensee. Enforcement of the Department's order shall be stayed for 60 days. The Department shall provide notice of the suspension to the licensee by mailing a copy of the Department's order to the licensee's address of record or emailing a copy of the order to the licensee's email address of record. The notice shall advise the licensee that the suspension shall be effective 60 days after the issuance of the Department's order unless the Department receives, from the licensee, a request for a hearing before the Department to dispute the matters contained in the order.

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

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

(g-5) Notwithstanding anything that may appear in any individual licensing statute or administrative rule, the Department shall refuse the issuance or renewal of a license to, or suspend or revoke the license of, any individual, corporation, partnership, or other business entity that has been found by the Illinois Workers' Compensation Commission or the Department of Insurance to have failed to (i) secure workers' compensation obligations in the manner required by subsections (a) and (b) of Section 4 of the Workers' Compensation Act, (ii) pay in full a fine or penalty imposed due to a failure to secure workers' compensation obligations in the manner required by subsections (a) and (b) of Section 4 of the Workers' Compensation Act, or (iii) fulfill all obligations assumed pursuant to a settlement reached with the Illinois Workers' Compensation Commission or the Department of Insurance relating to a failure to secure workers' compensation obligations in the manner required by subsections (a) and (b) of Section 4 of the Workers' Compensation Act. No initial or renewal license shall be issued, and no suspended license shall be reinstated, until such time that the Department is notified by the Illinois Workers' Compensation Commission or the Department of Insurance that the licensee's or applicant's failure to comply with subsections (a) and (b) of Section 4 of the Workers' Compensation Act has been corrected or otherwise resolved to satisfaction of the Illinois Workers' Compensation Commission or the Department of Insurance.

In addition, a complaint filed with the Department by the Illinois Workers' Compensation Commission or the Department of Insurance that includes a certification, signed by its Director or Chairman, or the Director or Chairman's designee, attesting to a finding of the failure to secure workers' compensation obligations in the manner required by subsections (a) and (b) of Section 4 of the Workers' Compensation Act or the failure to pay any fines or penalties or to discharge any obligation under a settlement relating to the failure to secure workers' compensation obligations in the manner required by subsections (a) and (b) of Section 4 of the Workers' Compensation Act is prima facie evidence of the licensee's or applicant's failure to comply with subsections (a) and (b) of Section 4 of the Workers' Compensation Act. Upon receipt of that certification, the Department shall, without a hearing, immediately suspend all licenses held by the licensee or the processing of any application from the applicant. Enforcement of the Department's order shall be stayed for 60 days. The Department shall provide notice of the suspension to the licensee by mailing a copy of the Department's order to the licensee's address of record or emailing a copy of the order to the licensee's email address of record. The notice shall advise the licensee that the suspension shall be effective 60 days after the issuance of the Department's order unless the Department receives from the licensee or applicant a request for a hearing before the Department to dispute the matters contained in the order.

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

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

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

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

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

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

(20 ILCS 2105/2105-15.2 new)

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

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

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

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

(Source: Laws 1919, p. 946.)

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

Sec. 5.212. The Professional Regulation Evidence Fund.

This Section is repealed on January 1, 2027.
(Source: P.A. 85-4.)

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

Sec. 5.229. The Fish and Wildlife Endowment Fund. This Section is repealed on January 1, 2027.
(Source: P.A. 85-1209.)

(30 ILCS 105/5.361)

Sec. 5.361. The Special Olympics Illinois Fund. This Section is repealed on January 1, 2028.
(Source: Repealed by P.A. 95-331, eff. 8-21-07. Reenacted and changed by P.A. 95-523, eff. 6-1-08.)

(30 ILCS 105/5.488)

Sec. 5.488. The Port Development Revolving Loan Fund. This Section is repealed on January 1, 2027.
(Source: P.A. 99-933, eff. 1-27-17.)

(30 ILCS 105/5.546)

Sec. 5.546. The Digital Divide Elimination Infrastructure Fund. This Section is repealed on January 1, 2027.
(Source: P.A. 92-22, eff. 6-30-01; 92-651, eff. 7-11-02.)

(30 ILCS 105/5.629)

Sec. 5.629. The Accessible Electronic Information Service

Fund. This Section is repealed on January 1, 2027.
(Source: P.A. 95-331, eff. 8-21-07.)

(30 ILCS 105/5.632)

Sec. 5.632. The Safe Bottled Water Fund. This Section is repealed on January 1, 2028.
(Source: P.A. 95-331, eff. 8-21-07.)

(30 ILCS 105/5.674)

Sec. 5.674. The Gaining Early Awareness and Readiness for Undergraduate Programs Fund. This Section is repealed on January 1, 2027.
(Source: P.A. 94-1043, eff. 7-24-06; 95-331, eff. 8-21-07.)

(30 ILCS 105/5.739)

Sec. 5.739. The Roadside Memorial Fund. This Section is repealed on January 1, 2027.
(Source: P.A. 96-667, eff. 8-25-09; 96-1000, eff. 7-2-10.)

(30 ILCS 105/5.757)

Sec. 5.757. The Employment of Illinois Workers on Public Works Projects Fund. This Section is repealed on January 1, 2027.
(Source: P.A. 96-929, eff. 6-16-10; 97-333, eff. 8-12-11.)

(30 ILCS 105/5.913)

Sec. 5.913. The School STEAM Grant Program Fund. This Section is repealed on January 1, 2027.
(Source: P.A. 101-561, eff. 8-23-19; 102-558, eff. 8-20-21.)

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

Sec. 6m. All fees and other moneys received by the Department of Transportation from any officer, department or agency of the State for providing air transportation to or for such officer, department or agency shall be paid (i) through June 30, 2027 into the Air Transportation Revolving Fund and (ii) beginning July 1, 2027 into the Aeronautics Fund. The moneys in the Air Transportation Revolving Fund ~~this fund~~ shall be used by the Department of Transportation only for equipment, personnel, operational expenses and such other expenses as may be incidental to providing air transportation for officers, departments or agencies of the State Government. On July 1, 2027 or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Air Transportation Revolving Fund into the Aeronautics Fund. Upon completion of the transfer, the Air Transportation Revolving Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund shall pass to the Aeronautics Fund.
(Source: P.A. 81-840.)

(30 ILCS 105/6z-39)

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

The Governor's Office of Management and Budget shall: negotiate Treasury-State agreements; develop and file annual reports; establish the net State liability; determine State agency shares of the net State liability; direct State agencies to pay or transfer moneys into the Federal Financing Cost Reimbursement Fund<u>, a State trust fund in the State treasury</u>; and initiate payments of the net State liability to the U.S. Treasury out of the Federal Financing Cost Reimbursement Fund. Agencies shall make payments or transfers to the Federal Financing Cost Reimbursement Fund as directed by the Governor's Office of Management and Budget and shall otherwise cooperate with the Governor's Office of Management and Budget to implement the federal Cash Management Improvement Act of 1990.

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

(30 ILCS 105/6z-131)

Sec. 6z-131. Agriculture Federal Projects Fund. The Agriculture Federal Projects Fund is established as a federal trust fund in the State treasury. This Fund is established to receive funds from all federal departments and agencies, including grants and awards. In addition, the Fund may also receive interagency receipts from other State agencies and funds from other public and private sources. Moneys in the Agriculture Federal Projects Fund shall be held by the State Treasurer as ex officio custodian and shall be used for the specific purposes established by the terms and conditions of the federal grant or award and for other authorized expenses in accordance with federal requirements. Other moneys deposited into the Fund may be used for purposes associated with the federally financed projects. Notwithstanding any other provision of law, on July 1, 2026 or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Federal Agricultural Marketing Services Fund into the Agriculture Federal Projects Fund. Upon completion of the transfer, the Federal Agricultural Marketing Services Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund shall pass to the Agriculture Federal Projects Fund.

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

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

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

(Source: Laws 1968, p. 474.)

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

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

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

<u>and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund pass to the Wildlife and Fish Fund.</u>

<u>This Section is repealed on January 1, 2027.</u>

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

(30 ILCS 105/5.408 rep.)
(30 ILCS 105/5.700 rep.)
(30 ILCS 105/5.704 rep.)
(30 ILCS 105/5.774 rep.)
(30 ILCS 105/5.829 rep.)
(30 ILCS 105/5.959 rep.)
(30 ILCS 105/5.992 rep.)
(30 ILCS 105/5.997 rep.)
(30 ILCS 105/5.1010 rep.)
(30 ILCS 105/5.1030 rep.)
(30 ILCS 105/6b-4 rep.)
(30 ILCS 105/6z-136 rep.)
(30 ILCS 105/6z-137 rep.)

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

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

(30 ILCS 570/7.10)

Sec. 7.10. <u>Disposition of proceeds</u> ~~Employment of Illinois Workers on Public Works Projects Fund~~. All moneys received by the Department as civil penalties under this Act shall be deposited into the <u>Employee Classification Fund</u> ~~Employment of Illinois Workers on Public Works Projects Fund and shall be used, subject to appropriation by the General Assembly, by the Department for administration, investigation, and other expenses incurred in carrying out its powers and duties under this Act~~. The Department shall hire as many investigators and other personnel as may be necessary to carry out the purposes of this Act. <u>Notwithstanding any other provision of law, in addition to any other transfers that may be provided by law, on July 1, 2026 or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Employment of Illinois Workers on Public Works Projects Fund into the Employee Classification Fund. Upon completion of the transfer, the Employment of Illinois Workers on Public Works Projects Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund pass to the Employee Classification Fund</u> ~~Any moneys in the Fund at the end of a fiscal year in excess of those moneys necessary for the Department to carry out its powers and duties under this Act shall be available for appropriation to the Department for~~

~~the next fiscal year for any of the Department's duties~~.
(Source: P.A. 96-929, eff. 6-16-10.)

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

(30 ILCS 750/9-11)

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

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

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

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

submit a comprehensive application to the Department for consideration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Loan collateral and guarantees. The port district's intentions as to how it intends to collateralize the loan amount, including third party 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.

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

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

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

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

(35 ILCS 717/Act rep.)

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

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

(50 ILCS 310/4.5)

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

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

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

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

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

<u>On July 1, 2026 or as soon thereafter as practical, the</u>

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

This Section is repealed on January 1, 2027.

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

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

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

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

~~Revolving~~ Fund.

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

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

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

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

(65 ILCS 5/8-8-3.5)

Sec. 8-8-3.5. Tax Increment Financing Report. The reports filed under subsection (d) of Section 11-74.4-5 of the Tax Increment Allocation Redevelopment Act and the reports filed under subsection (d) of Section 11-74.6-22 of the Industrial Jobs Recovery Law in the Illinois Municipal Code must be separate from any other annual report filed with the Comptroller. The Comptroller must, in cooperation with reporting municipalities, create a format for the reporting of information described in paragraphs (1.5), (5), and (8) and in subparagraph (G) of paragraph (7) of subsection (d) of Section 11-74.4-5 of the Tax Increment Allocation Redevelopment Act and the information described in paragraphs (1.5), (5), and (8) and in subparagraph (G) of paragraph (7) of subsection (d) of Section 11-74.6-22 of the Industrial Jobs Recovery Law that facilitates consistent reporting among the reporting municipalities. The Comptroller may allow these reports to be filed electronically and may display the report, or portions of the report, electronically via the Internet. All reports filed under this Section must be made available for examination and copying by the public at all reasonable times. A Tax Increment Financing Report must be filed electronically with the Comptroller within 180 days after the close of the municipal fiscal year or as soon thereafter as the audit for the redevelopment project area for that fiscal year becomes available. If the Tax Increment Finance administrator provides the Comptroller's office with sufficient evidence that the report is in the process of being completed by an auditor, the Comptroller may grant an extension. If the required report is not filed within the time extended by the Comptroller, the Comptroller shall notify the corporate authorities of that municipality that the audit report is past due. The Comptroller may charge a municipality a fee of $5 per day for the first 15 days past due, $10 per day for 16 through 30 days past due, $15 per day for 31 through 45 days past due, and $20 per day for the 46th day and every day thereafter. These amounts may be reduced at the Comptroller's discretion. In the event the required audit report is not filed within 60 days of such notice, the Comptroller shall cause such audit to be made by an auditor or auditors. The Comptroller may decline to order an audit and the preparation of an audit report if an initial examination of the books and records of the municipality indicates that books and records of the municipality are inadequate or unavailable to support the preparation of the audit report or the supplemental report due to the passage of time or the occurrence of a natural disaster. All fees collected pursuant to this Section shall be deposited into the Comptroller's Administrative Fund. In the event the Comptroller causes an audit to be made in accordance with the requirements of this Section, the municipality shall pay to the Comptroller reasonable compensation and expenses to reimburse her for the cost of preparing or completing such report. Moneys paid to the Comptroller pursuant to the preceding sentence shall be deposited into the Comptroller's Administrative ~~Audit Expense Revolving~~ Fund.

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

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

Sec. 8-8-4. Overdue reports.

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

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

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

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

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

(65 ILCS 115/10-15 rep.)

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

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

(105 ILCS 5/2-3.127a)

Sec. 2-3.127a. The State Board of Education Special Purpose Trust Fund. The State Board of Education Special Purpose Trust Fund is created as a special fund in the State treasury. The State Board of Education shall deposit all indirect costs recovered from federal programs into the State Board of Education Special Purpose Trust Fund. These funds may be used by the State Board of Education for its ordinary and contingent expenses. Additionally and unless specifically directed to be deposited into other funds, all moneys received by the State Board of Education from gifts, grants, royalty payments, or donations from any source, public or private, shall be deposited into the State Board of Education Special Purpose Trust Fund. These funds shall be used, subject to appropriation by the General Assembly, by the State Board of Education for the purposes established by the gifts, grants, royalty payments, or donations. Any royalty payments received by the State Board of Education as a result of licensing agreements or any other agreements entered into by the State Board of Education, regardless of the original fund source, shall be deposited into the State Board of Education Special Purpose Trust Fund and, subject to appropriation by the General Assembly, shall be expended in a manner consistent with law.

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

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

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

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

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

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

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

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

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

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

An individual is eligible to apply to the regional superintendent of schools for the region in which he or she resides if he or she is: (a) a person who is 17 years of age or older, has maintained residence in the State of Illinois, and is not a high school graduate; (b) a person who is successfully completing an alternative education program under Section 2-3.81, Article 13A, or Article 13B; or (c) a person who is enrolled in a youth education program sponsored by the Illinois National Guard. For purposes of this Section, residence is that abode which the applicant considers his or her home. Applicants may provide as sufficient proof of such residence and as an acceptable form of identification a driver's license, valid passport, military ID, or other form of government-issued national or foreign identification that shows the applicant's name, address, date of birth, signature, and photograph or other acceptable identification as may be allowed by law or as regulated by the Illinois Community College Board. Such regional superintendent shall determine if the applicant meets statutory and regulatory state standards.

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

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

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

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

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

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

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

Any applicant who has attained the age of 17 years and maintained residence in the State of Illinois and is not a high school graduate, any person who has enrolled in a youth education program sponsored by the Illinois National Guard, or any person who has successfully completed an alternative education program under Section 2-3.81, Article 13A, or Article 13B is eligible to apply for a State of Illinois High School Diploma (if he or she meets the requirements prescribed by the Illinois Community College Board) upon showing evidence that he or she has completed, successfully, high school equivalency testing, administered by the United States Armed Forces Institute, official high school equivalency testing centers established in other states, Veterans' Administration Hospitals, or the office of the State Superintendent of Education for the Illinois State Penitentiary System and the Department of Corrections. Such applicant shall apply to the regional superintendent of the region wherein he or she has maintained residence, and, upon payment of a fee established by the Illinois Community College Board, the regional superintendent shall issue a State of Illinois High School Diploma and immediately thereafter certify to the Illinois Community College Board the score of the applicant and such other and additional information as may be required by the Illinois Community College Board.

Notwithstanding the provisions of this Section, any applicant who has been out of school for at least one year may request the regional superintendent of schools to administer restricted high school equivalency testing upon written request of: the director of a program who certifies to the Chief Examiner of an official high school equivalency testing center that the applicant has completed a program of instruction provided by such agencies as the Job Corps, the Postal Service Academy, or an apprenticeship training program; an employer or program director for purposes of entry into apprenticeship programs; another state's department of education in order to meet regulations established by that department of education; or a post high school educational institution for purposes of admission, the Department of Financial and Professional Regulation for licensing purposes, or the Armed Forces for induction purposes. The regional superintendent shall administer such testing, and the applicant shall be notified in writing that he or she is eligible to receive a State of Illinois High School Diploma upon reaching age 17, provided he or she meets the standards established by the Illinois Community College Board.

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

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

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

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

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

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

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

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

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

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

(105 ILCS 5/21B-40)

Sec. 21B-40. Fees.

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

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

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

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

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

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

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

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

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

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

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

(b) All application fees paid pursuant to subdivisions (1) through (3) of subsection (a) of this Section shall be deposited into the Teacher Certificate Fee Revolving Fund and shall be used, subject to appropriation, by the State Board of Education to provide the technology and human resources necessary for the timely and efficient processing of applications and for the renewal of licenses. Funds available from the Teacher Certificate Fee Revolving Fund may also be used by the State Board of Education to support the recruitment and retention of educators, to support educator preparation programs as they seek national accreditation, and to provide professional development aligned with the requirements set forth in Section 21B-45 of this Code. A majority of the funds in the Teacher Certificate Fee Revolving Fund must be dedicated to the timely and efficient processing of applications and for the renewal of licenses. The Teacher Certificate Fee Revolving Fund is not subject to administrative charge transfers, authorized under Section 8h of the State Finance Act, from the Teacher Certificate Fee Revolving Fund into any other fund of this State, and moneys in the Teacher Certificate Fee Revolving Fund shall not revert back to the General Revenue Fund at any time.

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

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

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

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

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

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

Sec. 22-110. Bullying prevention.

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

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

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

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

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

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

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

(b) In this Section:

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

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

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

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

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

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

"Cyber-bullying" means bullying through the use of technology or any electronic communication, including, without limitation, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, without limitation, electronic mail, Internet communications, instant messages, or facsimile communications. "Cyber-bullying" includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying in this Section. "Cyber-bullying" also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of bullying in this Section.

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

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

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

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

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

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

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

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

(C) Notifying the principal or school

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) (Blank).

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

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

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

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

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

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

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

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

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

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

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

Sec. 22-110. Bullying prevention.

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

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

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

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

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

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

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

(b) In this Section:

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

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

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

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

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

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

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

"Cyber-bullying" means bullying through the use of technology or any electronic communication, including, without limitation, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, without limitation, electronic mail, Internet communications, instant messages, or facsimile communications. "Cyber-bullying" includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying in this Section. "Cyber-bullying" also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of bullying in this Section. Beginning with the 2026-2027 school year, "cyber-bullying" also includes the posting or distribution of an unauthorized digital replica by electronic means if the posting or distribution creates any of the effects enumerated in the definition of "bullying" in this Section.

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

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

(1) Includes the bullying definition provided in this

Section.

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

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

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

within the 24-hour period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) (Blank).

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

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

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

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

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

(f) School districts, charter schools, and non-public, non-sectarian elementary and secondary schools shall collect, maintain, and submit to the State Board of Education non-identifiable data regarding verified allegations of bullying within the school district, charter school, or non-public, non-sectarian elementary or secondary school. School districts, charter schools, and non-public, non-sectarian elementary and secondary schools must submit such data in an annual report due to the State Board of Education no later than August 15 of each year starting with the 2024-2025 school year through the 2030-2031 school year. The State Board of Education shall adopt rules for the submission of data that includes, but is not limited to: (i) a record of each verified allegation of bullying and action taken; and (ii) whether the instance of bullying was based on actual or perceived characteristics identified in subsection (a) and, if so, lists the relevant characteristics. The rules for the submission of data shall be consistent with federal and State laws and rules governing student privacy rights, including, but not limited to, the federal Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act, which shall include, without limitation, a record of each complaint and action taken. The State Board of

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

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

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

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

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

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

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

(220 ILCS 5/13-301.3)

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

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

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

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

(b) The Commission shall adopt rules under which it will make grants out of funds appropriated from the Digital Divide Elimination Infrastructure Fund to eligible entities as specified in the rules for the construction of high-speed data transmission facilities in eligible areas of the State. For purposes of determining whether an area is an eligible area, the Commission shall consider, among other things, whether (i) in such area, advanced telecommunications services, as defined in subsection (c) of Section 13-517 of this Act, are under-provided to residential or small business end users, either directly or indirectly through an Internet Service Provider, (ii) such area has a low population density, and (iii) such area has not yet developed a competitive market for advanced services. In addition, if an entity seeking a grant of funds from the Digital Divide Elimination Infrastructure Fund is an incumbent local exchange carrier having the duty to serve such area, and the obligation to provide advanced services to such area pursuant to Section 13-517 of this Act, the entity shall demonstrate that it has sought and obtained an exemption from such obligation pursuant to subsection (b) of Section 13-517. Any entity seeking a grant of funds from the Digital Divide Elimination Infrastructure Fund shall demonstrate to the Commission that the grant shall be used for the construction of high-speed data transmission facilities in an eligible area and demonstrate that it satisfies all other requirements of the Commission's rules. The Commission shall determine the information that it deems necessary to award grants pursuant to this Section.

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

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

(e) On July 1, 2026 or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Digital Divide Elimination Infrastructure Fund into the General Revenue Fund. Upon completion of the transfer, the Digital Divide Elimination Infrastructure Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund pass to the General Revenue Fund.

<u>This Section is repealed on January 1, 2027.</u>

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

(220 ILCS 5/13-305)

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

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

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

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

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

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

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

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

(220 ILCS 5/13-502.5)

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

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

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

(b) All retail telecommunications services provided to business end users by any telecommunications carrier subject, as of May 1, 2001, to alternative regulation under an alternative regulation plan pursuant to Section 13-506.1 of this Act shall be classified as competitive as of June 30, 2001 (the effective date of Public Act 92-22) ~~this amendatory Act of the 92nd General Assembly~~ without further Commission review. Rates for retail telecommunications services provided to business end users with 4 or fewer access lines shall not exceed the rates the carrier charged for those services on May 1, 2001. This restriction upon the rates of retail telecommunications services provided to business end users shall remain in force and effect through July 1, 2005; provided, however, that nothing in this Section shall be construed to prohibit reduction of those rates. Rates for retail telecommunications services provided to business end users with 5 or more access lines shall not be subject to the restrictions set forth in this subsection.

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

(d) Any action or proceeding before the Commission on June 30, 2001 (~~upon~~ the effective date of Public Act 92-22) ~~this amendatory Act of the 92nd General Assembly~~, in which it is alleged that a telecommunications carrier has improperly classified services as competitive, other than a case pertaining to Section 13-506.1, shall be abated and the services the classification of which is at issue shall be deemed either competitive or noncompetitive as set forth in this Section. Any telecommunications carrier subject to an action or proceeding in which it is alleged that the telecommunications carrier has improperly classified services as competitive shall be deemed liable to refund, and shall refund, the sum of $90,000,000 to that class or those classes of its customers that were alleged to have paid rates in excess of noncompetitive rates as the result of the alleged improper classification. The telecommunications carrier shall make the refund no later than 120 days after June 30, 2001 (the effective date of Public Act 92-22) ~~this amendatory Act of the 92nd General Assembly~~.

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

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

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

(220 ILCS 5/21-1101)

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

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

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

(b) (Blank).

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

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

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

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

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

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

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

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

Within each designated exchange, as that term is defined in Section 13-206 of this Act, or local unit of government listed in paragraph (1) of this subsection (d), the holder's obligation to offer service to low-income households shall be measured by each exchange or local unit of government in which the holder chooses to provide cable or video service. Except as provided in paragraph (1) of this subsection (d), the holder is under no obligation to serve or provide access to an entire exchange or local unit of government; however, in addition to the statewide obligation to provide low-income access provided by this Section, in each exchange or local unit of government in which the holder chooses to provide cable or video service, the holder shall provide access to a percentage of low-income households that is at least equal to the percentage of the total low-income households within that exchange or local unit of government.

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

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

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

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

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

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

(4) Natural disasters.

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

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

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

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

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

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

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

(1) Cable service and video service information:

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

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

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

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

(2) Low-income household information:

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

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

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

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

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

(1) Cable service and video service information:

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

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

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

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

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

(2) Low-income household information:

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

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

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

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

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

(1) Cable service and video service information:

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

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

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

(2) Low-income household information:

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

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

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

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

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

(225 ILCS 2/135)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 63/123)

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

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

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

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

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

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

Sec. 70-75. Injunctive remedies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 115/25.18)

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

Sec. 25.18. Civil penalties for unlicensed practice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(410 ILCS 655/35)

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

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

<u>This Section is repealed on January 1, 2028.</u>

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

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

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

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

(a) Except as otherwise provided in this Section, for sport fishing devices as defined in Section 10-95 or spearing devices as defined in Section 10-110, the fee is $14.50 for individuals 16 to 64 years old, one-half of the current fishing license fee for individuals age 65 or older, and, commencing with the 2012 license year, one-half of the current fishing license fee for resident veterans of the United States Armed Forces after returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces. Veterans must provide to the Department acceptable verification of their service. The Department shall establish by administrative rule the procedure by which such verification of service shall be made to the Department for the purpose of issuing fishing licenses to resident veterans at a reduced fee.

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

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

(b) All residents before using any commercial fishing device shall obtain a commercial fishing license, the fee for which shall be $60, and a resident fishing license, the fee for which is $14.50. Each and every commercial device used shall be licensed by a resident commercial fisherman as follows:

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

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

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

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

(c) Residents of this State may obtain a sportsmen's combination license that shall entitle the holder to the same non-commercial fishing privileges as residents holding a license as described in subsection (a) of this Section and to the same hunting privileges as residents holding a license to hunt all species as described in Section 3.1 of the Wildlife Code. No sportsmen's combination license shall be issued to any individual who would be ineligible for either the fishing or hunting license separately. The sportsmen's combination license fee shall be $25.50. For residents age 65 or older, the fee is one-half of the fee charged for a sportsmen's combination license. For resident veterans of the United States Armed Forces after returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces, the fee, commencing with the 2012 license year, is one-half of the fee charged for a sportsmen's combination license. Veterans must provide to the Department acceptable verification of their service. The Department shall establish by administrative rule the procedure by which such verification of service shall be made to the Department for the purpose of issuing sportsmen's combination licenses to resident veterans at a reduced fee.

(c-5) Residents of this State may obtain a 3-year sportsmen's combination license that shall entitle the holder to the same non-commercial fishing privileges as residents holding a license as described in subsection (a-3) and to the same hunting privileges as residents holding a license to hunt all species as described in Section 3.1 of the Wildlife Code. A 3-year sportsmen's combination license shall not be issued to any individual who would be ineligible for either the fishing or hunting license separately. The 3-year sportsmen's combination license fee shall be 3 times the annual fee. For residents age 65 or older, the fee is one-half of the fee charged for a 3-year sportsmen's combination license. For resident veterans of the United States Armed Forces after returning from service abroad or mobilization by the President of the United States, the fee is one-half of the fee charged for a 3-year sportsmen's combination license. Veterans must provide to the Department, per administrative rule, verification of their service. The Department shall establish what constitutes suitable verification of service for the purpose of issuing 3-year sportsmen's combination licenses to resident veterans at a reduced fee.

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

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

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

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

(2) Lifetime hunting: 30 x the current hunting

license fee.

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

Lifetime licenses shall not be refundable. A $10 fee shall be charged for reissuing any lifetime license. The Department may establish rules and regulations for the issuance and use of lifetime licenses and may suspend or revoke any lifetime license issued under this Section for violations of those rules or regulations or other provisions under this Code or the Wildlife Code, or a violation of the United States Code that involves the taking, possessing, killing, harvesting, transportation, selling, exporting, or importing any fish or aquatic life protected by this Code or the taking, possessing, killing, harvesting, transportation, selling, exporting, or importing any fauna protected by the Wildlife Code when any part of the United States Code violation occurred in Illinois. Individuals under 16 years of age who possess a lifetime hunting or sportsmen's combination license shall have in their possession, while in the field, a certificate of competency as required under Section 3.2 of the Wildlife Code. Any lifetime license issued under this Section shall not exempt individuals from obtaining additional stamps or permits required under the provisions of this Code or the Wildlife Code. Individuals required to purchase additional stamps shall sign the stamps and have them in their possession while fishing or hunting with a lifetime license. All fees received from the issuance of lifetime licenses shall be deposited into ~~in~~ the Wildlife and Fish ~~and Wildlife Endowment~~ Fund.

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

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

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

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

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

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

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

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

(605 ILCS 125/20)

Sec. 20. DUI memorial markers.

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

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

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

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

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

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

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

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

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

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

hereafter enacted or amended, providing for federal aid in the establishment of public airports, and otherwise only for the regulation and supervision of aeronautics in this State, and the administration and enforcement of the laws of this State pertaining to aeronautics. Beginning in State fiscal year 2028, subject to appropriation, the Aeronautics Fund may also be used for equipment, personnel, operational expenses and such other expenses incident to providing air transportation for officers, departments or agencies of the State government.
(Source: Laws 1957, p. 2331.)

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

(625 ILCS 5/3-679)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(625 ILCS 70/20)

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

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

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

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

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

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

(730 ILCS 5/5-9-1.7)

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

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

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

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

(2) (Blank).

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

(b) (Blank).

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

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

(730 ILCS 5/5-9-1.22)

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

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

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

(765 ILCS 77/80 rep.)

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

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

(820 ILCS 130/2)

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

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

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

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

Innovations for Transportation Infrastructure Act. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act, the construction of a new utility-scale solar power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act, the construction of a new battery energy storage solution facility by a business designated as a High Impact Business under Section 5.5(a)(3)(I) of the Illinois Enterprise Zone Act, and the construction of a high voltage direct current converter station by a business designated as a High Impact Business under Section 5.5(a)(3)(J) of the Illinois Enterprise Zone Act. "Public works" also includes electric vehicle charging station projects financed pursuant to the Electric Vehicle Act and renewable energy projects required to pay the prevailing wage pursuant to the Illinois Power Agency Act. "Public works" also includes power washing projects by a public body or paid for wholly or in part out of public funds in which steam or pressurized water, with or without added abrasives or chemicals, is used to remove paint or other coatings, oils or grease, corrosion, or debris from a surface or to prepare a surface for a coating. "Public works" also includes all electric transmission systems projects subject to the Electric Transmission Systems Construction Standards Act. "Public works" does not include work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects performed by a third party contracted by any public utility, as described in subsection (a) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects that exceed 15 aggregate miles of new fiber optic cable, performed by a third party contracted by any public utility, as described in subsection (b) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" also includes all construction projects involving fixtures or permanent attachments affixed to light poles that are owned by a public body, including street light poles, traffic light poles, and other lighting fixtures, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds, unless the project is performed by employees employed directly by the public body. "Public works" also includes work performed subject to the Mechanical Insulation Energy and Safety Assessment Act. "Public works" also includes the removal, hauling, and transportation of biosolids, lime sludge, and lime residue from a water treatment plant or facility and the disposal of biosolids, lime sludge, and lime residue removed from a water treatment plant or facility at a landfill. "Public works" also includes sewer inspection projects that use a closed-circuit television to identify issues in a sewer system, such as cracks in pipes, root intrusion, blockages, or other structural damage. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public supervision or paid for wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

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

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

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

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

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus full journeyman annualized fringe benefits for training and apprenticeship programs registered with the Office of Apprenticeship within the U.S. Department of Labor's Employment and Training Administration with full journeymen annualized fringe benefits for health and welfare, insurance, vacations, and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

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

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

(820 ILCS 157/20)

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

Sec. 20. Department responsibilities.

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

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

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

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

the collection of any civil penalty imposed under this Act.
(Source: P.A. 104-259, eff. 6-1-26.)

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

(820 ILCS 185/50)

Sec. 50. Employee Classification Fund. All moneys received by the Department as fees and civil penalties under this Act and all moneys owed to the Department under the Prevailing Wage Act <u>and the Employment of Illinois Workers on Public Works Act</u> shall be deposited into the Employee Classification Fund and shall be used, subject to appropriation by the General Assembly, by the Department for administration, investigation, outreach, and educational activities related to this Act and the Prevailing Wage Act <u>and the Employment of Illinois Workers on Public Works Act</u> and other expenses incurred in carrying out its powers and duties under this Act and the Prevailing Wage Act <u>and the Employment of Illinois Workers on Public Works Act</u>. The Department shall hire as many investigators and other personnel as may be necessary to carry out the purposes of this Act. Any moneys in the Fund at the end of a fiscal year in excess of those moneys necessary for the Department to carry out its powers and duties under this Act shall be available to the Department for the next fiscal year for any of the Department's duties.

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

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

(820 ILCS 192/35)

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

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

Article 10.

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

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

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

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

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

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

(6) Today, the Guardianship and Advocacy Commission

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

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

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

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

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

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

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

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

(15 ILCS 20/50-28)

Sec. 50-28. Youth Budget Commission.

(a) As used in this Section:

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

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

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

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

(2) Treatment/intervention: respond to significant

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

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

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

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

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

(2) Safe: creating safer communities.

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

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

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

(6) Connected: strengthening cultural and environmental vitality.

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

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

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

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

Department of Human Services, the Department of Children and Family Services, the Department of Commerce and Economic Opportunity, the Illinois Student Assistance Commission, the Department of Healthcare and Family Services, the Department of Public Health, the Illinois Community College Board, the Department of Juvenile Justice, the Illinois Criminal Justice Information Authority, the Department of Military Affairs, the Illinois Arts Council, the Department of Corrections, the Board of Higher Education, Department of Disability Advocacy and ~~Illinois~~ Guardianship ~~and Advocacy Commission~~, Department on Aging, and others.

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

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

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

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

immigrants or are children of immigrants;

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

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

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

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

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

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

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

Section 10-10. The Youth Homelessness Prevention

Subcommittee Act is amended by changing Section 20 as follows:

(15 ILCS 60/20)

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

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

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

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

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

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

(6) The Director of the Department of Corrections.

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

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

(9) Four representatives from agencies serving homeless youth.

(10) One representative from a homeless advocacy organization.

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

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

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

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

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

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

The Department on Aging.

The Department of Agriculture.

The Department of Central Management Services.

The Department of Children and Family Services.

The Department of Commerce and Economic Opportunity.

The Department of Corrections.

The Department of Disability Advocacy and Guardianship.

The Department of Early Childhood.

The Department of Employment Security.

The Illinois Emergency Management Agency.

The Department of Financial and Professional Regulation.

The Department of Healthcare and Family Services.

The Department of Human Rights.

The Department of Human Services.

The Department of Innovation and Technology.

The Department of Insurance.

The Department of Juvenile Justice.

The Department of Labor.

The Department of the Lottery.

The Department of Natural Resources.

The Department of Public Health.

The Department of Revenue.

The Illinois State Police.

The Department of Transportation.

The Department of Veterans Affairs.

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

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

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

The following officers are hereby created:

Director of Aging, for the Department on Aging.

Director of Agriculture, for the Department of Agriculture.

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

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

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

Director of Corrections, for the Department of Corrections.

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

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

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

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

Secretary of Financial and Professional Regulation, for the Department of Financial and Professional Regulation.

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

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

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

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

Director of Insurance, for the Department of Insurance.

Director of Juvenile Justice, for the Department of

Juvenile Justice.

Director of Labor, for the Department of Labor.

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

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

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

Director of Revenue, for the Department of Revenue.

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

Secretary of Transportation, for the Department of Transportation.

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

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

(20 ILCS 5/5-218 new)

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

(20 ILCS 5/5-348 new)

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

(20 ILCS 5/5-543 new)

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

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

(20 ILCS 1370/1-5)

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

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

"Department" means the Department of Innovation and Technology.

"Information technology" means technology, infrastructure, equipment, systems, software, networks, and processes used to create, send, receive, and store electronic or digital information, including, without limitation, computer systems and telecommunication services and systems. "Information technology" shall be construed broadly to incorporate future technologies that change or supplant those in effect as of the effective date of this Act.

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

"Secretary" means the Secretary of Innovation and Technology.

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

"Transferred agency" means the Department on Aging; the Departments of Agriculture, Central Management Services, Children and Family Services, Commerce and Economic Opportunity, Corrections, Employment Security, Financial and Professional Regulation, Healthcare and Family Services, Human Rights, Human Services, Insurance, Juvenile Justice, Labor, Lottery, Military Affairs, Natural Resources, Public Health, Revenue, Transportation, and Veterans' Affairs; the Illinois State Police; the Capital Development Board; the Deaf and Hard of Hearing Commission; the Environmental Protection Agency; the Governor's Office of Management and Budget; the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~; the Abraham Lincoln Presidential Library and Museum; the Illinois Arts Council; the Illinois Council on Developmental Disabilities; the Illinois Emergency Management Agency; the Illinois Gaming Board; the Illinois Liquor Control Commission; the Office of the State Fire Marshal; the Prisoner Review Board; and the Department of Early Childhood.

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

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

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

Sec. 4.3. Site visits and inspections.

(a) (Blank).

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

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

(2) Determine facility compliance with audit recommendations;

(3) Evaluate facility compliance with applicable federal standards;

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

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

(6) Identify and prevent abuse and neglect.

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

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

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

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

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

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

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

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

Developmental Disabilities Code.

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

The facility director of the Chester Mental Health Center may authorize the temporary use of transport devices on a civil recipient when necessary in the course of transport of the civil recipient outside the facility to maintain custody or security. The decision whether to use any transport devices shall be reviewed and approved on an individualized basis by a physician, an advanced practice registered nurse, or a physician assistant based upon a determination of the civil recipient's: (1) history of violence, (2) history of violence during transports, (3) history of escapes and escape attempts, (4) history of trauma, (5) history of incidents of restraint or seclusion and use of involuntary medication, (6) current functioning level and medical status, and (7) prior experience during similar transports, and the length, duration, and purpose of the transport. The least restrictive transport device consistent with the individual's need shall be used. Staff transporting the individual shall be trained in the use of the transport devices, recognizing and responding to a person in distress, and shall observe and monitor the individual while being transported. The facility shall keep a monthly record listing all transports, including those transports for which use of transport devices was not sought, those for which use of transport devices was sought but denied, and each instance in which transport devices are used, circumstances indicating the need for use of transport devices, time of application of transport devices, time of release from those devices, and any adverse events. The facility director shall allow the Department of Disability Advocacy and ~~Illinois~~ Guardianship ~~and Advocacy Commission~~, the agency designated by the Governor under Section 1 of the Protection and Advocacy for Persons with Developmental Disabilities Act, and the Department to examine and copy the record upon request. This use of transport devices shall not be considered restraint as defined in the Mental Health and Developmental Disabilities Code. For the purpose of this

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

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

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

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

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

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

(20 ILCS 3955/Act title)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. (a) The Advisory Council ~~Commission~~ shall consist of 11 members~~, one of whom shall be a senior citizen age 60 or over, who shall be~~ appointed by the Governor, with the advice and consent of the Senate, taking into account the requirements of State and federal statutes. At least one member of the Advisory Council shall be a senior citizen age 60 or older. At least one member shall be a person with one or more disabilities or members of their families who receive services and support as required under Section 15 of the Persons with Disabilities on State Agency Boards Act. All appointments shall be filed with the Secretary of State by the appointing authority~~, with the advice and consent of the Senate~~.

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

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

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

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

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

(e) The Advisory Council shall advise and make recommendations to the Department for the development of policies and operations that will aid in carrying out the purposes of this Act.

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

(20 ILCS 3955/5) (from Ch. 91 1/2, par. 705)

Sec. 5. (a) The Department ~~Commission~~ shall establish throughout the State such regions as it considers appropriate to effectuate the purposes of the Division of Disability Rights and Protections ~~Authority~~ under this Act, taking into account the requirements of State and federal statutes; population; civic, health and social service boundaries; and other pertinent factors.

(b) The Department may ~~Commission shall~~ act through its divisions as provided in this Act.

(c) The Department ~~Commission~~ shall establish general policy guidelines for the operation of the Division of Legal Advocacy ~~Service~~, the Division of Disability ~~Human~~ Rights and Protections, ~~Authority~~ and the Division of State Guardian in furtherance of this Act. The policy guidelines shall ensure that each division makes decisions with an appropriate level of independence. Any action taken by a regional board ~~authority~~ is subject to the review and approval of the Director ~~Commission~~. The Director ~~Commission, acting on a request from the Director,~~ may disapprove any action of a regional board ~~authority~~, in which case the regional board

~~authority~~ shall cease such action.

(d) The Director ~~Commission~~ shall hire ~~a Director and~~ staff to carry out the powers and duties of the Department ~~Commission~~ and its divisions pursuant to this Act and the rules and regulations promulgated by the Department ~~Commission~~. All staff, other than the Director, shall be subject to the Personnel Code.

(e) (Blank). ~~The Commission shall review and evaluate the operations of the divisions.~~

(f) The Department ~~Commission~~ shall operate subject to the provisions of the Illinois Procurement Code.

(g) The Department ~~Commission~~ shall prepare its budget.

(h) The Department ~~Commission~~ shall prepare an annual report on its operations and submit the report to the Governor and the General Assembly.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(i) The Department ~~Commission~~ shall establish rules and regulations for the conduct of the work of its divisions, including rules and regulations for the Division of Legal Advocacy ~~Service~~ and the Division of State Guardian in evaluating an eligible person's or ward's financial resources for the purpose of determining whether the eligible person or ward has the ability to pay for legal or guardianship services received. The determination of the eligible person's financial ability to pay for legal services shall be based upon the number of dependents in the eligible person's family unit and the income, liquid assets and necessary expenses, as prescribed by rule of the Department ~~Commission~~ of: (1) the eligible person; (2) the eligible person's spouse; and (3) the parents of minor eligible persons. The determination of a ward's ability to pay for guardianship services shall be based upon the ward's estate. An eligible person or ward found to have sufficient financial resources shall be required to pay the Department ~~Commission~~ in accordance with standards established by the Department ~~Commission~~. No fees may be charged for legal services given unless the eligible person is given notice at the start of such services that such fees might be charged. No fees may be charged for guardianship services given unless the ward is given notice of the request for fees filed with the probate court and the court approves the amount of fees to be assessed. All fees collected shall be deposited with the State Treasurer and placed in the Guardianship and Advocacy Fund. The Department ~~Commission~~ shall establish rules and regulations regarding the procedures of appeal for clients prior to termination or suspension of legal services. Such rules and regulations shall include, but not be limited to, client notification procedures prior to the actual termination, the scope of issues subject to appeal, and procedures specifying when a final administrative decision is made.

(j) The Department ~~Commission~~ shall take such actions as it deems necessary and appropriate to receive private, federal and other public funds to help support the divisions and to safeguard the rights of eligible persons. Private funds and property may be accepted, held, maintained, administered and disposed of by the Department ~~Commission~~, as trustee, for such purposes for the benefit of the People of the State of Illinois pursuant to the terms of the instrument granting the funds or property to the Department ~~Commission~~.

(k) The Department ~~Commission~~ may expend funds under the State's plan to protect and advocate the rights of persons with a developmental disability established under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 ~~Services and Facilities Construction Act (Public Law 94-103, Title II)~~. If the Governor designates the Department ~~Commission~~ to be the organization or agency to provide the services called for in the State plan, the Department ~~Commission~~ shall make these protection and advocacy services available to persons with a developmental disability by referral or by contracting for these services to the extent practicable. If the Department ~~Commission~~ is unable to so make available such protection and advocacy services, it shall provide them through persons in its own employ.

(l) The Department ~~Commission~~ shall, to the extent funds are available, monitor issues concerning the rights of eligible persons and the care and treatment provided to those persons, including but not limited to the incidence of abuse or neglect of eligible persons. For purposes of that monitoring the Department ~~Commission~~ shall have access to reports of suspected abuse or neglect and information regarding the disposition of such reports, subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act.

(Source: P.A. 100-1148, eff. 12-10-18.)

(20 ILCS 3955/6) (from Ch. 91 1/2, par. 706)

Sec. 6. (a) The Department ~~Commission~~ may recommend to any State agency or service provider regulations or procedures for the purpose of safeguarding the rights of eligible persons. The State agency or service provider shall notify the Department ~~Commission~~, within 60 days of the receipt of the recommendations, of the action taken thereon and the reason therefor. The Department ~~Commission~~ shall not make recommendations that ~~which~~ interfere with the proper practice of medical or other professions.

(b) The Department ~~Commission~~ may recommend to the General Assembly legislation for the purpose of safeguarding the rights of eligible persons.

(c) The Department ~~Commission~~ may take any other action as

may be reasonable to carry out the purposes of this Act.
(Source: P.A. 80-1487.)

(20 ILCS 3955/7) (from Ch. 91 1/2, par. 707)
Sec. 7. The Director shall:

(1) carry out the policies and programs of the Department; ~~Commission and~~

(2) coordinate the activities of the ~~its~~ divisions of the Department; ~~and may delegate to the Human Rights Authority Director any duties described in Sections 14, 15, and 16 of this Act.~~

(3) organize and administer programs to provide legal counsel and representation for eligible persons to ensure that their legal rights are protected;

(4) examine and delineate the needs of eligible persons for legal counsel and representation and the resources necessary to meet those needs, subject to the approval of the Department; and

(5) institute or cause to be instituted legal proceedings as may be necessary to enforce and give effect to any of the duties or powers of the Department or its divisions.

(Source: P.A. 96-271, eff. 1-1-10.)

(20 ILCS 3955/8) (from Ch. 91 1/2, par. 708)
Sec. 8. The Director may delegate to employees of the

Department any of the duties described in Section 7 of this Act. ~~shall:~~

~~(1) Organize and administer programs to provide legal counsel and representation for eligible persons so as to ensure that their legal rights are protected;~~

~~(2) Examine and delineate the needs of eligible persons for legal counsel and representation and the resources necessary to meet those needs, subject to the approval of the Commission; and~~

~~(3) Institute or cause to be instituted such legal proceedings as may be necessary to enforce and give effect to any of the duties or powers of the Commission or its divisions.~~

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

(20 ILCS 3955/10) (from Ch. 91 1/2, par. 710)

Sec. 10. The Division of Legal Advocacy ~~Service~~ shall:

(1) Make available legal counsel to eligible persons in judicial proceedings arising out of the ~~"~~Mental Health and Developmental Disabilities Code~~"~~, enacted by the Eightieth General Assembly, as now or hereafter amended, including but not limited to admission, civil commitment, involuntary treatment, ~~legal competency~~ and discharge;

(2) Make available or provide legal counsel and representation to eligible persons to enforce rights or duties arising out of any mental health or related laws, local, State or federal.

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

(20 ILCS 3955/11) (from Ch. 91 1/2, par. 711)

Sec. 11. The Division of Legal Advocacy ~~Service~~ shall make available counsel for eligible persons by referral or by contracting for legal services to the extent practicable. The Division of Legal Advocacy ~~Service~~ shall make a good faith effort to assist eligible persons to engage private counsel, and to contact private counsel for eligible persons whose disabilities limit their capacity to independently contact private counsel. If the Division of Legal Advocacy ~~Service~~ is unable to so make available counsel, it shall provide attorneys in its own employ. Taking into consideration the availability of private counsel in the eligible person's local area, the Department ~~Commission~~ shall establish, by rule, the standards and procedures by which it will attempt to assist eligible persons to engage private counsel.

(Source: P.A. 84-1358.)

(20 ILCS 3955/12) (from Ch. 91 1/2, par. 712)

Sec. 12. A Legal Advocacy ~~Service~~ attorney shall:

(1) have ready access to view and copy all mental health records pertaining to his client~~, as provided in the "Mental Health and Developmental Disabilities Confidentiality Act", enacted by the Eightieth General Assembly, as now or hereafter amended,~~ and such other records to which he is permitted

access; and

(2) have the opportunity to consult with his client whenever necessary for the performance of his duties. Service providers shall provide adequate space and privacy for the purpose of attorney-client consultation. No attorney shall have the right to visit eligible persons or look at their records for the purpose of soliciting cases for representation.

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

(20 ILCS 3955/13) (from Ch. 91 1/2, par. 713)

Sec. 13. Nothing in this Act shall be construed to prohibit an eligible person from being represented by privately retained counsel or from waiving his right to an attorney in proceedings under the ~~"~~Mental Health and Developmental Disabilities Code~~"~~, approved by the Eightieth General Assembly, as now or hereafter amended, or as otherwise provided by law. If a Legal Advocacy ~~Service~~ attorney has been appointed by a court and the eligible person secures his own counsel or is permitted to self-represent, the court shall discharge the Legal Advocacy ~~Service~~ attorney.

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

(20 ILCS 3955/14) (from Ch. 91 1/2, par. 714)

Sec. 14. Each regional board ~~authority~~ shall consist of at least 7 members and no more than 9 members appointed by the

Director, in accordance with this Section. Each regional board ~~authority~~ shall include insofar as possible one professionally knowledgeable and broadly experienced employee or officer of a provider of each of the following services: mental health, developmental disabilities, and vocational rehabilitation. No other employee or officer of a service provider shall be appointed to a regional board ~~authority~~. In making appointments, the Director shall strive to ensure representation of minority groups and of eligible persons, and shall give due consideration to recommendations of persons and groups assisting eligible persons. The Director may remove for incompetence, neglect of duty, or malfeasance in office any member of a regional board ~~authority~~. Each member of a regional board shall become a member of a regional board while retaining the existing end date of the member's current term. All terms shall be for 3 years, with each member serving no more than 2 consecutive terms, including terms as a member of a regional authority of the Guardianship and Advocacy Commission immediately preceding the creation of the Department. No member shall serve for more than 2 full consecutive 3-year terms. A quorum shall consist of a majority of appointed members, excluding vacancies ~~All actions taken by the Director to appoint or remove members shall be reported to the Commission at the next scheduled Commission meeting~~.

Each regional board ~~authority~~ shall annually elect a Chair ~~chairman~~ and any other officers it deems necessary. ~~Members of~~

~~the regional authorities shall serve for a term of 3 years, except that the terms of the first appointees shall be as follows: 3 members serving for a 1 year term; 3 members serving for a 2 year term; and 3 members serving for a 3 year term. Assignment of terms of such first appointees shall be by lot. No member shall serve for more than 2 consecutive 3 year terms. A quorum shall consist of a majority of appointed members.~~

Vacancies in the regional board ~~authorities~~ shall be filled by the Director. Appointments to fill vacancies occurring before the expiration of a term are for the remainder of the unexpired term ~~in the same manner as original appointments~~.

Members of the regional board ~~authorities~~ shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

Each regional board ~~authority~~ shall meet not less than once every 2 months. Meetings may also be held upon call of the Regional Chair ~~Chairman~~ or upon written request of a majority of the appointed ~~any 5~~ members of the regional board, excluding vacancies ~~authority~~.

(Source: P.A. 104-273, eff. 1-1-26.)

(20 ILCS 3955/15) (from Ch. 91 1/2, par. 715)

Sec. 15. A regional board that ~~authority which~~ receives a complaint alleging that the rights of an eligible person have been violated in the region in which the regional board

~~authority~~ sits, shall conduct an investigation unless it determines that the complaint is frivolous or beyond the scope of its authority or competence, or unless the Director finds that a conflict of interest exists and directs another regional board ~~authority~~ to conduct the investigation. The regional board ~~authority~~ shall inform the complainant of whether it will conduct an investigation, and if not, the reason therefor. The regional board ~~authority~~ may advise a complainant as to other remedies which may be available. Reassignments of investigations for conflicts of interest and refusals to investigate shall be reviewed and approved by the Director ~~and the Director may seek direction from the Commission~~.

(Source: P.A. 96-271, eff. 1-1-10.)

(20 ILCS 3955/16) (from Ch. 91 1/2, par. 716)

Sec. 16. A regional board ~~authority~~ may conduct investigations upon its own initiative if it has reason to believe that the rights of an eligible person have been violated in the region in which the regional board ~~authority~~ sits, unless the Director finds that a conflict of interest exists and directs another regional board ~~authority~~ to conduct the investigation.

(Source: P.A. 96-271, eff. 1-1-10.)

(20 ILCS 3955/17) (from Ch. 91 1/2, par. 717)

Sec. 17. In the course of an investigation, a regional board ~~authority~~ may enter and inspect the premises of a service provider or State agency and question privately any person therein within reasonable limits and in a reasonable manner. Whenever possible, prior notice shall be given the parties regarding the nature, location, and persons involved in a particular investigation.

(Source: P.A. 80-1416.)

(20 ILCS 3955/18) (from Ch. 91 1/2, par. 718)

Sec. 18. In the course of an investigation, a regional board ~~authority~~ may inspect and copy any materials relevant to the investigation in the possession of a service provider or state agency. However, a regional board ~~authority~~ may not inspect or copy materials containing personally identifiable data which cannot ~~can not~~ be removed without imposing an unreasonable burden on the service provider or State agency, except as provided herein. The regional board ~~authority~~ shall give written notice to the person entitled to give consent for the identifiable eligible person under Section 5 of the "Mental Health and Developmental Disabilities Confidentiality Act", enacted by the Eightieth General Assembly, as now or hereafter amended, or under any other relevant law, that it is conducting an investigation and indicating the nature and purpose of the investigation and the need to inspect and copy materials containing data that identifies the eligible person.

If the person notified objects in writing to such inspection and copying, the regional board ~~authority~~ may not inspect or copy such materials. The service provider or State agency may not object on behalf of an eligible person.
(Source: P.A. 80-1487.)

(20 ILCS 3955/19) (from Ch. 91 1/2, par. 719)

Sec. 19. No regional board ~~authority~~ may disclose to any person any materials which identify an eligible person unless the eligible person or legally authorized person consents to such disclosure, except if and to the extent that disclosure may be necessary for the appointment of a guardian for such eligible person.
(Source: P.A. 80-1487.)

(20 ILCS 3955/20) (from Ch. 91 1/2, par. 720)

Sec. 20. A regional board ~~authority~~ may conduct hearings and compel by subpoena the attendance and testimony of such witnesses and the production of such materials as are necessary or desirable for its investigation.
(Source: P.A. 80-1487.)

(20 ILCS 3955/21) (from Ch. 91 1/2, par. 721)

Sec. 21. A regional board ~~authority~~ may, subject to the provisions of the Open Meetings Act, conduct closed meetings and hearings when necessary to ensure confidentiality or to protect the rights of any eligible person or provider of services or other person. However, it shall make public a summary of business conducted during any such meeting or hearing. Such summary shall not contain personally identifiable data.

(Source: P.A. 96-271, eff. 1-1-10.)

(20 ILCS 3955/22) (from Ch. 91 1/2, par. 722)

Sec. 22. During the course of an investigation, the regional board ~~authority~~ shall periodically inform the complainant, or provider and any eligible person involved of the status of the investigation.

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

(20 ILCS 3955/23) (from Ch. 91 1/2, par. 723)

Sec. 23. If a regional board ~~authority~~ finds that:

A. a matter should be further considered;

B. an act investigated should be modified or cancelled;

C. a statute or regulation should be altered;

D. reasons should be given for an act; or

E. any other action should be taken;

it shall report its recommendations to the State agency, service provider or other person investigated. Such person investigated shall notify the regional board ~~authority~~, within 30 days of the receipt of such recommendations, of the action taken thereon and the reason therefor.

(Source: P.A. 80-1416.)

(20 ILCS 3955/24) (from Ch. 91 1/2, par. 724)

Sec. 24. If a regional board ~~authority~~ determines that further action is required, it may refer a matter to the Director ~~Commission~~ or another division of the Department ~~thereof~~, and any federal, State, or local agency, or other persons, as it may deem appropriate and as approved by the Director~~, as it may deem appropriate and as approved by the Director~~.

(Source: P.A. 96-271, eff. 1-1-10.)

(20 ILCS 3955/25) (from Ch. 91 1/2, par. 725)

Sec. 25. Within 10 days of the completion of its investigation, the regional board ~~authority~~ shall inform the complainant and the eligible person involved of the outcome of its investigation and of any action taken thereon.

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

(20 ILCS 3955/26) (from Ch. 91 1/2, par. 726)

Sec. 26. Subject to the provisions of Section 19, a regional board ~~authority~~ may make public its findings and recommendations. It shall include in any such public statement any reply made by the State agency, service provider, or other person investigated that has requested that the reply be so included. The State agency, service provider, or other person

investigated ~~provider or person~~ shall have opportunity to review and object to any proposed public findings and recommendations. If the State agency, service provider, or other person investigated requests, the objections shall be included with public findings and recommendations issued by the regional board ~~authority~~ in the ~~this~~ matter.
(Source: P.A. 80-1416.)

(20 ILCS 3955/27) (from Ch. 91 1/2, par. 727)
Sec. 27. A regional board ~~authority~~ may~~, by acting through the Director,~~ propose to the Department ~~Commission~~ legislation for the purpose of safeguarding the rights of eligible persons.
(Source: P.A. 96-271, eff. 1-1-10.)

(20 ILCS 3955/28) (from Ch. 91 1/2, par. 728)
Sec. 28. A regional board ~~authority~~ may take such other action as may be reasonable and appropriate to carry out the purposes of this Act.
(Source: P.A. 80-1416.)

(20 ILCS 3955/30) (from Ch. 91 1/2, par. 730)
Sec. 30. When appointed by the court pursuant to the ~~"~~Probate Act of 1975~~", approved August 7, 1975~~, as now or hereafter amended, the Division of State Guardian shall serve as guardian, either plenary or limited; temporary guardian;

testamentary guardian; or successor guardian~~,~~ of the person or the estate, or both, of a ward. If nomination is testamentary the Division of State Guardian shall be notified in writing at the time of the death of the testator. The Division ~~Office~~ of State Guardian may file a petition for its own appointment, or for the appointment of any other person, if the Division of State Guardian determines that the filing of the petition may avoid the need for State guardianship. In addition, the Division of State Guardian may assist the court, as the court may request, in proceedings for the appointment of a guardian and in the supervision of persons and agencies which have been appointed as guardians.

(Source: P.A. 89-396, eff. 8-20-95.)

(20 ILCS 3955/31) (from Ch. 91 1/2, par. 731)

Sec. 31. Appointment; availability of Division of State Guardian; available private guardian.

(a) The Division of State Guardian shall not be appointed if another suitable person is available and willing to accept the guardianship appointment. In all cases where a court appoints the Division of State Guardian, the court shall indicate in the order appointing the guardian as a finding of fact that no other suitable and willing person could be found to accept the guardianship appointment. On and after the effective date of the ~~this~~ amendatory Act of the 97th General Assembly, the court shall also indicate in the order, as a finding of fact, the reasons that the Division of State Guardian appointment, rather than the appointment of another interested party, is required. This requirement shall be waived where the Division ~~Office~~ of State Guardian petitions for its own appointment as guardian.

(b) In all cases in which the Division of State Guardian has been appointed to prior to or after the effective date of the changes made to this Section by this amendatory Act of the 104th General Assembly, the Division of State Guardian shall be recognized as a division of the Department. Any reference in law, regulation, order, or appointment to the State Guardian or Office of State Guardian as a division of the Guardianship and Advocacy Commission shall be deemed to refer to the State Guardian as a division of the Department of Disability Advocacy and Guardianship. This subsection applies retroactively and prospectively to all appointments, actions, and proceedings involving the State Guardian or its wards.

(Source: P.A. 97-1093, eff. 1-1-13.)

(20 ILCS 3955/32) (from Ch. 91 1/2, par. 732)

Sec. 32. The Division of State Guardian shall have the same powers and duties as a private guardian as provided in Article XIa of the Probate Act of 1975~~, approved August 7, 1975~~. The State Guardian shall not provide direct residential services to its wards. The State Guardian shall visit and consult with its wards at least four times a year for as long as the guardianship continues.

(Source: P.A. 80-1416.)

(20 ILCS 3955/33.5)

Sec. 33.5. Guardianship training program. The State Guardian shall provide a training program that outlines the duties and responsibilities of guardians appointed under Article XIa of the Probate Act of 1975. The training program shall be offered to courts at no cost, and shall outline the duties ~~responsibilities~~ of a guardian and the rights of a person under guardianship. The training program shall have 2 components: one for guardians of the person and another for guardians of the estate. The State Guardian shall determine the content of the training. The component for guardians of the person shall include content regarding Alzheimer's disease and dementia, including, but not limited to, the following topics: effective communication strategies; best practices for interacting with people living with Alzheimer's disease or related forms of dementia; and strategies for supporting people living with Alzheimer's disease or related forms of dementia in exercising their rights. In developing the training program content, the State Guardian shall consult with the courts, State and national guardianship organizations, public guardians, advocacy organizations, and persons and family members with direct experience with adult guardianship. In the preparation and dissemination of training

materials, the State Guardian shall give due consideration to making the training materials accessible to persons with disabilities.
(Source: P.A. 103-64, eff. 1-1-24; 104-237, eff. 1-1-26.)

(20 ILCS 3955/34) (from Ch. 91 1/2, par. 734)

Sec. 34. A person, including a private citizen or employee of a service provider, who, in good faith, files a complaint with or provides information to the Department or any of its divisions ~~Commission or any division thereof, including private citizens and employees of service providers,~~ shall not be subject to any penalties, sanctions, or restrictions as a consequence of filing the complaint or providing the information.
(Source: P.A. 80-1416.)

(20 ILCS 3955/36) (from Ch. 91 1/2, par. 736)

Sec. 36. Rules and regulations adopted by the Department ~~Commission~~ pursuant to authority granted under this Act shall be subject to the provisions of the Illinois Administrative Procedure Act.
(Source: P.A. 84-1358.)

(20 ILCS 3955/35 rep.)

Section 10-33. The Guardianship and Advocacy Act is amended by repealing Section 35.

Section 10-35. The Persons with Disabilities on State Agency Boards Act is amended by changing Section 10 as follows:

(20 ILCS 4007/10)

Sec. 10. Definitions. As used in this Act, unless the context requires otherwise:

"Disability" means a physical or mental characteristic resulting from disease, injury, congenital condition of birth, or functional disorder, the history of such a characteristic, or the perception of such a characteristic, when the characteristic results in substantial functional limitations in 3 or more of the following areas of major life activity: self care, fine motor skills, mobility, vision, respiration, learning, work, receptive and expressive language (hearing and speaking), self direction, capacity for independent living, and economic sufficiency.

"State human services agency" means the following:

(1) The Citizens Council on Mental Health and Developmental Disabilities created under Article 11A of the Legislative Commission Reorganization Act of 1984.

(2) Advisory councils created by the Department of Human Rights under Section 7-107 of the Illinois Human Rights Act.

(3) The <u>Department of Disability Advocacy and</u>

Guardianship ~~and Advocacy Commission~~ created under the Guardianship and Advocacy Act.

(4) (Blank).

(Source: P.A. 100-866, eff. 8-14-18.)

Section 10-45. The State Finance Act is amended by changing Section 6z-22 as follows:

(30 ILCS 105/6z-22) (from Ch. 127, par. 142z-22)

Sec. 6z-22. All fees or other monies received by the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ incident to the provision of legal or guardianship services to eligible persons or wards pursuant to subsection (i) of Section 5 of the Guardianship and Advocacy Act shall be paid into the Guardianship and Advocacy Fund.

Appropriations for the improvement, development, addition or expansion of legal and guardianship services for eligible persons or wards pursuant to Section 5 of the Guardianship and Advocacy Act or for the financing of any program designed to provide such improvement, development, addition or expansion of services or for expenses incurred in administering the Division of ~~Human Rights Authority,~~ Legal Advocacy, the Division of Disability Rights and Protections, and the Division ~~Service and Office~~ of State Guardian are payable from the Guardianship and Advocacy Fund.

(Source: P.A. 86-448; 86-1028.)

Section 10-50. The Public Interest Attorney Assistance Act is amended by changing Section 15 as follows:

(110 ILCS 916/15)

Sec. 15. Definitions. For the purposes of this Act:

"Assistant State's Attorney" means a full-time employee of a State's Attorney in Illinois or the State's Attorneys Appellate Prosecutor who is continually licensed to practice law and prosecutes or defends cases on behalf of the State or a county.

"Assistant Attorney General" means a full-time employee of the Illinois Attorney General who is continually licensed to practice law and prosecutes or defends cases on behalf of the State.

"Assistant Public Defender" means a full-time employee of a Public Defender in Illinois or the State Appellate Defender who is continually licensed to practice law and provides legal representation to indigent persons, as provided by statute.

"Assistant public guardian" means a full-time employee of a public guardian in Illinois who is continually licensed to practice law and provides legal representation pursuant to court appointment.

"Civil legal aid" means free or reduced-cost legal representation or advice to low-income clients in non-criminal matters.

"Civil legal aid attorney" means an attorney who is continually licensed to practice law and is employed full time as an attorney at a civil legal aid organization in Illinois.

"Civil legal aid organization" means a not-for-profit corporation in Illinois that (i) is exempt from the payment of federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code, (ii) is established for the purpose of providing legal services that include civil legal aid, (iii) employs 2 or more full-time attorneys who are licensed to practice law in this State and who directly provide civil legal aid, and (iv) is in compliance with registration and filing requirements that are applicable under the Charitable Trust Act and the Solicitation for Charity Act.

"Commission" means the Illinois Student Assistance Commission.

"Committee" means the advisory committee created under Section 20 of this Act.

"Eligible debt" means outstanding principal, interest, and related fees from loans obtained for undergraduate, graduate, or law school educational expenses made by government or commercial lending institutions or educational institutions. "Eligible debt" excludes loans made by a private individual or family member.

"Department of Disability Advocacy and Guardianship ~~IGAC~~ attorney" means a full-time employee of the Department of Disability ~~Illinois Guardianship and~~ Advocacy and Guardianship

~~Commission~~, including the Division ~~Office~~ of State Guardian, the Division of Legal Advocacy ~~Service~~, and the Division of Disability ~~Human~~ Rights and Protections ~~Authority~~, who is continually licensed to practice law and provides legal representation to carry out the responsibilities of the Department of Disability Advocacy and ~~Illinois~~ Guardianship ~~and Advocacy Commission~~.

"Legislative attorney" means a full-time employee of the Illinois Senate, the Illinois House of Representatives, or the Illinois Legislative Reference Bureau who is continually licensed to practice law and provides legal advice to members of the General Assembly.

"Program" means the Public Interest Attorney Loan Repayment Assistance Program.

"Public interest attorney" means an attorney practicing in Illinois who is an assistant State's Attorney, assistant Public Defender, civil legal aid attorney, assistant Attorney General, assistant public guardian, Department of Disability Advocacy and Guardianship ~~IGAC~~ attorney, or legislative attorney.

"Qualifying employer" means (i) an Illinois State's Attorney or the State's Attorneys Appellate Prosecutor, (ii) an Illinois Public Defender or the State Appellate Defender, (iii) an Illinois civil legal aid organization, (iv) the Illinois Attorney General, (v) an Illinois public guardian, (vi) the Department of Disability Advocacy and ~~Illinois~~

Guardianship ~~and Advocacy Commission~~, (vii) the Illinois Senate, (viii) the Illinois House of Representatives, or (ix) the Illinois Legislative Reference Bureau.

(Source: P.A. 96-615, eff. 1-1-10; 96-768, eff. 1-1-10.)

Section 10-55. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Sections 4 and 6 as follows:

(210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

Sec. 4. Any long term care facility administrator, agent or employee or any physician, hospital, surgeon, dentist, osteopath, chiropractor, podiatric physician, accredited religious practitioner who provides treatment by spiritual means alone through prayer in accordance with the tenets and practices of the accrediting church, coroner, social worker, social services administrator, registered nurse, law enforcement officer, field personnel of the Department of Healthcare and Family Services, field personnel of the Illinois Department of Public Health and County or Municipal Health Departments, personnel of the Department of Human Services (acting as the successor to the Department of Mental Health and Developmental Disabilities or the Department of Public Aid), personnel of the Department of Disability Advocacy and Guardianship (acting as the successor to the Guardianship and Advocacy Commission), personnel of the State

Fire Marshal, local fire department inspectors or other personnel, or personnel of the Illinois Department on Aging, or its subsidiary Agencies on Aging, or employee of a facility licensed under the Assisted Living and Shared Housing Act, having reasonable cause to believe any resident with whom they have direct contact has been subjected to abuse or neglect shall immediately report or cause a report to be made to the Department. Persons required to make reports or cause reports to be made under this Section include all employees of the State of Illinois who are involved in providing services to residents, including professionals providing medical or rehabilitation services and all other persons having direct contact with residents; and further include all employees of community service agencies who provide services to a resident of a public or private long term care facility outside of that facility. Any long term care surveyor of the Illinois Department of Public Health who has reasonable cause to believe in the course of a survey that a resident has been abused or neglected and initiates an investigation while on site at the facility shall be exempt from making a report under this Section but the results of any such investigation shall be forwarded to the central register in a manner and form described by the Department.

The requirement of this Act shall not relieve any long-term ~~long term~~ care facility administrator, agent or employee of responsibility to report the abuse or neglect of a resident under Section 3-610 of the Nursing Home Care Act or under Section 3-610 of the ID/DD Community Care Act or under Section 3-610 of the MC/DD Act or under Section 2-107 of the Specialized Mental Health Rehabilitation Act of 2013.

In addition to the above persons required to report suspected resident abuse and neglect, any other person may make a report to the Department, or to any law enforcement officer, if such person has reasonable cause to suspect a resident has been abused or neglected.

This Section also applies to residents whose death occurs from suspected abuse or neglect before being found or brought to a hospital.

A person required to make reports or cause reports to be made under this Section who fails to comply with the requirements of this Section is guilty of a Class A misdemeanor.

(Source: P.A. 98-104, eff. 7-22-13; 98-214, eff. 8-9-13; 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

(210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

Sec. 6. All reports of suspected abuse or neglect made under this Act shall be made immediately by telephone to the Department's central register established under Section 14 on the single, State-wide, toll-free telephone number established under Section 13, or in person or by telephone through the nearest Department office. No long-term ~~long term~~ care facility administrator, agent or employee, or any other person, shall screen reports or otherwise withhold any reports from the Department, and no long-term ~~long term~~ care facility, department of State government, or other agency shall establish any rules, criteria, standards or guidelines to the contrary. Every long-term ~~long term~~ care facility, department of State government and other agency whose employees are required to make or cause to be made reports under Section 4 shall notify its employees of the provisions of that Section and of this Section, and provide to the Department documentation that such notification has been given. The Department of Human Services shall train all of its mental health and developmental disabilities employees in the detection and reporting of suspected abuse and neglect of residents. Reports made to the central register through the State-wide, toll-free telephone number shall be transmitted to appropriate Department offices and municipal health departments that have responsibility for licensing long term care facilities under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act. All reports received through offices of the Department shall be forwarded to the central register, in a manner and form described by the Department. The Department shall be capable of receiving reports of suspected abuse and neglect 24 hours a day, 7 days a week. Reports shall also be made in writing deposited in the

U.S. mail, postage prepaid, within 24 hours after having reasonable cause to believe that the condition of the resident resulted from abuse or neglect. Such reports may in addition be made to the local law enforcement agency in the same manner. However, in the event a report is made to the local law enforcement agency, the reporter also shall immediately so inform the Department. The Department shall initiate an investigation of each report of resident abuse and neglect under this Act, whether oral or written, as provided for in Section 3-702 of the Nursing Home Care Act, Section 2-208 of the Specialized Mental Health Rehabilitation Act of 2013, Section 3-702 of the ID/DD Community Care Act, or Section 3-702 of the MC/DD Act, except that reports of abuse which indicate that a resident's life or safety is in imminent danger shall be investigated within 24 hours of such report. The Department may delegate to law enforcement officials or other public agencies the duty to perform such investigation.

With respect to investigations of reports of suspected abuse or neglect of residents of mental health and developmental disabilities institutions under the jurisdiction of the Department of Human Services, the Department shall transmit copies of such reports to the Illinois State Police, the Department of Human Services, and the Inspector General appointed under Section 1-17 of the Department of Human Services Act. If the Department receives a report of suspected abuse or neglect of a recipient of services as defined in

Section 1-123 of the Mental Health and Developmental Disabilities Code, the Department shall transmit copies of such report to the Inspector General and the Director ~~Directors~~ of ~~the~~ Disability Advocacy and Guardianship ~~and Advocacy Commission~~ and the agency designated by the Governor pursuant to the Protection and Advocacy for Persons with Developmental Disabilities Act. When requested by the Director of ~~the~~ Disability Advocacy and Guardianship ~~and Advocacy Commission~~, the agency designated by the Governor pursuant to the Protection and Advocacy for Persons with Developmental Disabilities Act, or the Department of Financial and Professional Regulation, the Department, the Department of Human Services and the Illinois State Police shall make available a copy of the final investigative report regarding investigations conducted by their respective agencies on incidents of suspected abuse or neglect of residents of mental health and developmental disabilities institutions or individuals receiving services at community agencies under the jurisdiction of the Department of Human Services. Such final investigative report shall not contain witness statements, investigation notes, draft summaries, results of lie detector tests, investigative files or other raw data which was used to compile the final investigative report. Specifically, the final investigative report of the Illinois State Police shall mean the Director's final transmittal letter. The Department of Human Services shall also make available a copy of the results of disciplinary proceedings of employees involved in incidents of abuse or neglect to the Directors. All identifiable information in reports provided shall not be further disclosed except as provided by the Mental Health and Developmental Disabilities Confidentiality Act. Nothing in this Section is intended to limit or construe the power or authority granted to the agency designated by the Governor pursuant to the Protection and Advocacy for Persons with Developmental Disabilities Act, pursuant to any other State or federal statute.

With respect to investigations of reported resident abuse or neglect, the Department shall effect with appropriate law enforcement agencies formal agreements concerning methods and procedures for the conduct of investigations into the criminal histories of any administrator, staff assistant or employee of the nursing home or other person responsible for the residents care, as well as for other residents in the nursing home who may be in a position to abuse, neglect or exploit the patient. Pursuant to the formal agreements entered into with appropriate law enforcement agencies, the Department may request information with respect to whether the person or persons set forth in this paragraph have ever been charged with a crime and if so, the disposition of those charges. Unless the criminal histories of the subjects involved crimes of violence or resident abuse or neglect, the Department shall be entitled only to information limited in scope to charges and their dispositions. In cases where prior crimes of violence or resident abuse or neglect are involved, a more detailed report can be made available to authorized representatives of the Department, pursuant to the agreements entered into with appropriate law enforcement agencies. Any criminal charges and their disposition information obtained by the Department shall be confidential and may not be transmitted outside the Department, except as required herein, to authorized representatives or delegates of the Department, and may not be transmitted to anyone within the Department who is not duly authorized to handle resident abuse or neglect investigations.

The Department shall effect formal agreements with appropriate law enforcement agencies in the various counties and communities to encourage cooperation and coordination in the handling of resident abuse or neglect cases pursuant to this Act. The Department shall adopt and implement methods and procedures to promote statewide uniformity in the handling of reports of abuse and neglect under this Act, and those methods and procedures shall be adhered to by personnel of the Department involved in such investigations and reporting. The Department shall also make information required by this Act available to authorized personnel within the Department, as well as its authorized representatives.

The Department shall keep a continuing record of all reports made pursuant to this Act, including indications of the final determination of any investigation and the final disposition of all reports.

The Department shall report annually to the General Assembly on the incidence of abuse and neglect of long term care facility residents, with special attention to residents who are persons with mental disabilities. The report shall include but not be limited to data on the number and source of reports of suspected abuse or neglect filed under this Act, the nature of any injuries to residents, the final determination of investigations, the type and number of cases where abuse or neglect is determined to exist, and the final disposition of cases.

(Source: P.A. 102-538, eff. 8-20-21.)

Section 10-60. The Community Living Facilities Licensing Act is amended by changing Section 5 as follows:

(210 ILCS 35/5) (from Ch. 111 1/2, par. 4185)

Sec. 5. Licensing standards. The Department shall promulgate rules and regulations establishing minimum standards for licensing of Community Living Facilities. These rules shall regulate:

(1) The location of Community Living Facilities. These provisions shall insure that the Community Living Facilities are in appropriate neighborhoods and shall prohibit concentration of these housing programs in communities.

(2) The operation and conduct of Community Living Facilities.

(3) The general financial ability, competence, character and qualifications of the applicant to provide appropriate care and comply with this Act.

(4) The appropriateness, safety, cleanliness and general adequacy of the premises, including maintenance of adequate fire protection and health standards, conforming to State laws and municipal codes, to provide for the physical comfort, well-being, care and protection of the residents.

(5) The number, character, training and qualifications of personnel directly responsible for the residents.

(6) Provisions for food, clothing, educational opportunities, social activities, home furnishings and personal property to insure the healthy physical, emotional and mental development of residents.

(7) Implementation of habilitation plans for each resident.

(8) Provisions for residents to receive appropriate programming and support services commensurate with their individual needs, and to participate in decisions regarding their use of programs and support services.

Such services should include educational opportunities, vocational training and other day activities aimed at promoting independence and improving basic living skills.

(9) Provisions and criteria for admission, discharge and

transfers at Community Living Facilities.

(10) Provisions specifying the role and responsibilities of residents for upkeep of their rooms and the overall maintenance and care of the Community Living Facilities. These provisions shall allow the residents to participate in normal, daily activities associated with community living.

(11) Provisions to insure that residents are notified of their legal rights, as defined in the rules promulgated pursuant to subsection (12) of this Section and to assist them in exercising these rights. Upon admission to a Community Living Facility, residents shall be provided a copy of their rights and related rules, regulations and policies, and the name, address, and telephone number of the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~.

(12) Resident rights, which shall include, but need not be limited to, those guaranteed by the "Mental Health and Developmental Disabilities Code", as amended.

(13) Maintenance of records pertaining to the admission, habilitation, and discharge of residents, and to the general operation of Community Living Facilities.

(Source: P.A. 82-567.)

Section 10-65. The Nursing Home Care Act is amended by changing Sections 2-106 and 2-201 as follows:

(210 ILCS 45/2-106) (from Ch. 111 1/2, par. 4152-106)

Sec. 2-106. Restraints.

(a) For purposes of this Act, a physical restraint is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a resident's body that the resident cannot remove easily and restricts freedom of movement or normal access to one's body, and a chemical restraint is any drug used for discipline or convenience and not required to treat medical symptoms.

Devices used for positioning, including, but not limited to, bed rails and gait belts, shall not be considered to be physical restraints for purposes of this Act unless the device is used to restrain or otherwise limit the patient's freedom to move. A device used for positioning must be requested by the resident or, if the resident is unable to consent, the resident's guardian or authorized representative, or the need for that device must be physically demonstrated by the resident and documented in the resident's care plan. The physically demonstrated need of the resident for a device used for positioning must be revisited in every comprehensive assessment of the resident.

The Department shall by rule, designate certain devices as restraints, including at least all those devices which have been determined to be restraints by the United States Department of Health and Human Services in interpretive guidelines issued for the purposes of administering Titles XVIII and XIX of the Social Security Act.

(b) Neither restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel. No restraints or confinements shall be employed except as ordered by a physician who documents the need for such restraints or confinements in the resident's clinical record.

(c) A restraint may be used only with the informed consent of the resident, the resident's guardian, or other authorized representative. A restraint may be used only for specific periods, if it is the least restrictive means necessary to attain and maintain the resident's highest practicable physical, mental or psychosocial well-being, including brief periods of time to provide necessary life-saving treatment. A restraint may be used only after consultation with appropriate health professionals, such as occupational or physical therapists, and a trial of less restrictive measures has led to the determination that the use of less restrictive measures would not attain or maintain the resident's highest practicable physical, mental or psychosocial well-being. However, if the resident needs emergency care, restraints may be used for brief periods to permit medical treatment to proceed unless the facility has notice that the resident has previously made a valid refusal of the treatment in question.

(d) A restraint may be applied only by a person trained in the application of the particular type of restraint.

(e) Whenever a period of use of a restraint is initiated, the resident shall be advised of his or her right to have a person or organization of his or her choosing, including the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, notified of the use of the restraint. A recipient who is under guardianship may request that a person or organization of his or her choosing be notified of the restraint, whether or not the guardian approves the notice. If the resident so chooses, the facility shall make the notification within 24 hours, including any information about the period of time that the restraint is to be used. Whenever the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ is notified that a resident has been restrained, it shall contact the resident to determine the circumstances of the restraint and whether further action is warranted.

(f) Whenever a restraint is used on a resident whose primary mode of communication is sign language, the resident shall be permitted to have his or her hands free from restraint for brief periods each hour, except when this freedom may result in physical harm to the resident or others.

(g) The requirements of this Section are intended to control in any conflict with the requirements of Sections 1-126 and 2-108 of the Mental Health and Developmental Disabilities Code.

(Source: P.A. 103-489, eff. 1-1-24.)

(210 ILCS 45/2-201) (from Ch. 111 1/2, par. 4152-201)

Sec. 2-201. To protect the residents' funds, the facility:

(1) Shall at the time of admission provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written statement explaining to the resident and to the resident's spouse (a) their spousal impoverishment rights, as defined at Section 5-4 of the Illinois Public Aid Code, and at Section 303 of Title III of the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360), (b) their obligation to comply with the asset and income disclosure requirements of Title XIX of the federal Social Security Act and the regulations duly promulgated thereunder, except that this item (b) does not apply to facilities operated by the Illinois Department of Veterans Affairs that do not participate in Medicaid, and (c) the resident's rights regarding personal funds and listing the services for which the resident will be charged. The facility shall obtain a signed acknowledgment from each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, that such person has received the statement and understands that failure to comply with asset and income disclosure requirements may result in the denial of Medicaid eligibility.

(2) May accept funds from a resident for safekeeping and managing, if it receives written authorization from, in order

of priority, the resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any; such authorization shall be attested to by a witness who has no pecuniary interest in the facility or its operations, and who is not connected in any way to facility personnel or the administrator in any manner whatsoever.

(3) Shall maintain and allow, in order of priority, each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, access to a written record of all financial arrangements and transactions involving the individual resident's funds.

(4) Shall provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written itemized statement at least quarterly, of all financial transactions involving the resident's funds.

(5) Shall purchase a surety bond, or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency.

(6) Shall keep any funds received from a resident for safekeeping in an account separate from the facility's funds, and shall at no time withdraw any part or all of such funds for

any purpose other than to return the funds to the resident upon the request of the resident or any other person entitled to make such request, to pay the resident his allowance, or to make any other payment authorized by the resident or any other person entitled to make such authorization.

(7) Shall deposit any funds received from a resident in excess of $100 in an interest bearing account insured by agencies of, or corporations chartered by, the State or federal government. The account shall be in a form which clearly indicates that the facility has only a fiduciary interest in the funds and any interest from the account shall accrue to the resident. The facility may keep up to $100 of a resident's money in a non-interest bearing account or petty cash fund, to be readily available for the resident's current expenditures.

(8) Shall return to the resident, or the person who executed the written authorization required in subsection (2) of this Section, upon written request, all or any part of the resident's funds given the facility for safekeeping, including the interest accrued from deposits.

(9) Shall (a) place any monthly allowance to which a resident is entitled in that resident's personal account, or give it to the resident, unless the facility has written authorization from the resident or the resident's guardian or if the resident is a minor, his parent, to handle it differently, (b) take all steps necessary to ensure that a

personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident, and (c) where such funds are withdrawn from the resident's personal account by any person other than the resident, require such person to whom funds constituting any part of a resident's personal needs allowance are released, to execute an affidavit that such funds shall be used exclusively for the benefit of the resident.

(10) Unless otherwise provided by State law, upon the death of a resident, shall provide the executor or administrator of the resident's estate with a complete accounting of all the resident's personal property, including any funds of the resident being held by the facility.

(11) If an adult resident is incapable of managing his funds and does not have a resident's representative, guardian, or an immediate family member, shall notify the Division ~~Office~~ of ~~the~~ State Guardian of the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~.

(12) If the facility is sold, shall provide the buyer with a written verification by a public accountant of all residents' monies and properties being transferred, and obtain a signed receipt from the new owner.

(Source: P.A. 104-234, eff. 8-15-25.)

Section 10-67. The Community-Integrated Living Arrangements Licensure and Certification Act is amended by changing Section 9.1 as follows:

(210 ILCS 135/9.1)

Sec. 9.1. Recipient's funds; protection.

(a) To protect a recipient's funds, a service provider:

(1) May accept funds from a recipient for safekeeping and management if the service provider receives written authorization from the recipient or the recipient's guardian.

(2) Shall maintain a written record of all financial arrangements and transactions involving each individual recipient's funds and shall allow each recipient, or the recipient's guardian, access to that written record.

(3) Shall provide, in order of priority, each recipient, or the recipient's guardian, if any, or the recipient's immediate family member, if any, with a written itemized statement of all financial transactions involving the recipient's funds or a copy of the recipient's checking or savings account register for the period. This information shall be provided at least quarterly.

(4) Shall purchase and maintain a surety bond or other commercial policy with crime coverage in an amount equal to or greater than all of the recipient's personal funds deposited with the service provider to which employees of the service provider have access to secure against loss,

theft, and insolvency. The insurance company that provides the surety bond or commercial policy with crime coverage shall inform the Division of Developmental Disabilities of the Department of Human Services of any reduction or cancellation of the surety bond or commercial policy with crime coverage.

(5) Shall keep any funds received from a recipient in an account separate from the service provider's funds for safekeeping, and shall not withdraw all or any part of the recipient's funds unless the service provider is (i) returning the funds to the recipient upon the request of the recipient or any other person entitled to make the request, (ii) paying the recipient his or her allowance, or (iii) making any other payment authorized by the recipient or any other person entitled to make that authorization.

(6) Shall deposit any funds received from a recipient in excess of $100 in an interest-bearing account insured by agencies of, or corporations chartered by, the State or the federal government. The account shall be in a form that clearly indicates that the service provider has only a fiduciary interest in the funds and that any interest earned on funds in the account shall accrue to the recipient. The service provider may keep up to $100 of a recipient's funds in a non-interest-bearing account or petty cash fund, to be readily available for the

recipient's current expenditures.

(7) Shall, upon written request of a recipient or the recipient's guardian, return to the recipient or the recipient's guardian of the estate all or any part of the recipient's funds given to the service provider for safekeeping, including the accrued interest earned on the deposits of the recipient's funds.

(8) Shall (i) place any monthly allowance that a recipient is entitled to in the recipient's personal account or give the monthly allowance directly to the recipient, unless the service provider has written authorization from the recipient, the recipient's guardian, or the recipient's parent if the recipient is a minor, to handle the monthly allowance differently, (ii) take all steps necessary to ensure that a monthly allowance that is placed in a recipient's personal account is used exclusively by the recipient or for the recipient's benefit, and (iii) require any person other than the recipient who withdraws funds from the recipient's personal account that constitute any portion of the recipient's monthly allowance to execute an affidavit that the funds will be used exclusively for the benefit of the recipient.

(9) If an adult recipient is incapable of managing his or her funds and does not have a guardian or immediate family member, the service provider shall notify the

Division ~~Office~~ of ~~the~~ State Guardian ~~of the Guardianship and Advocacy Commission~~.

(b) Upon the death of a recipient, unless otherwise provided by State law, the service provider shall provide the executor or administrator of the recipient's estate with a complete accounting of all the recipient's personal property, including any funds of the recipient being held by the service provider.

(c) If a recipient changes service providers, the former service provider shall provide the new service provider with a written verification by a public accountant of all the recipient's money and property being transferred and shall obtain a signed receipt for the money and property from the new service provider upon transfer of the recipient's money and property.

(d) If a service provider is sold, the service provider shall provide the new owner with a written verification by a public accountant of all the recipient's money and property being transferred and shall obtain a signed receipt for the money and property from the new owner upon transfer of the recipient's money and property.

(Source: P.A. 98-1073, eff. 8-26-14.)

Section 10-70. The MC/DD Act is amended by changing Sections 2-106 and 2-201 as follows:

(210 ILCS 46/2-106)

Sec. 2-106. Restraints and confinements.

(a) For purposes of this Act:

(i) A physical restraint is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a resident's body that the resident cannot remove easily and restricts freedom of movement or normal access to one's body. Devices used for positioning, including but not limited to bed rails, gait belts, and cushions, shall not be considered to be restraints for purposes of this Section.

(ii) A chemical restraint is any drug used for discipline or convenience and not required to treat medical symptoms. The Department shall by rule, designate certain devices as restraints, including at least all those devices which have been determined to be restraints by the United States Department of Health and Human Services in interpretive guidelines issued for the purposes of administering Titles XVIII and XIX of the Social Security Act.

(b) Neither restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel. No restraints or confinements shall be employed except as ordered by a physician who documents the need for such restraints or confinements in the resident's clinical record. Each facility licensed under this Act must have a written policy to address the use of restraints and seclusion. The Department shall establish by rule the provisions that the policy must include, which, to the extent practicable, should be consistent with the requirements for participation in the federal Medicare program. Each policy shall include periodic review of the use of restraints.

(c) A restraint may be used only with the informed consent of the resident, the resident's guardian, or other authorized representative. A restraint may be used only for specific periods, if it is the least restrictive means necessary to attain and maintain the resident's highest practicable physical, mental or psychosocial well-being ~~well being~~, including brief periods of time to provide necessary lifesaving ~~life saving~~ treatment. A restraint may be used only after consultation with appropriate health professionals, such as occupational or physical therapists, and a trial of less restrictive measures has led to the determination that the use of less restrictive measures would not attain or maintain the resident's highest practicable physical, mental or psychosocial well-being ~~well being~~. However, if the resident needs emergency care, restraints may be used for brief periods to permit medical treatment to proceed unless the facility has notice that the resident has previously made a valid refusal of the treatment in question.

(d) A restraint may be applied only by a person trained in the application of the particular type of restraint.

(e) Whenever a period of use of a restraint is initiated, the resident shall be advised of his or her right to have a person or organization of his or her choosing, including the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, notified of the use of the restraint. A recipient who is under guardianship may request that a person or organization of his or her choosing be notified of the restraint, whether or not the guardian approves the notice. If the resident so chooses, the facility shall make the notification within 24 hours, including any information about the period of time that the restraint is to be used. Whenever the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ is notified that a resident has been restrained, it shall contact the resident to determine the circumstances of the restraint and whether further action is warranted.

(f) Whenever a restraint is used on a resident whose primary mode of communication is sign language, the resident shall be permitted to have his or her hands free from restraint for brief periods each hour, except when this freedom may result in physical harm to the resident or others.

(g) The requirements of this Section are intended to control in any conflict with the requirements of Sections 1-126 and 2-108 of the Mental Health and Developmental Disabilities Code.

(Source: P.A. 99-180, eff. 7-29-15.)

(210 ILCS 46/2-201)

Sec. 2-201. Residents' funds. To protect the residents' funds, the facility:

(1) Shall at the time of admission provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written statement explaining to the resident and to the resident's spouse (a) their spousal impoverishment rights, as defined at Section 5-4 of the Illinois Public Aid Code, and at Section 303 of Title III of the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360), and (b) the resident's rights regarding personal funds and listing the services for which the resident will be charged. The facility shall obtain a signed acknowledgment from each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, that such person has received the statement.

(2) May accept funds from a resident for safekeeping and managing, if it receives written authorization from, in order of priority, the resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any; such authorization shall be attested to by a witness who has no pecuniary interest in the facility or its operations, and who is not connected in any way

to facility personnel or the administrator in any manner whatsoever.

(3) Shall maintain and allow, in order of priority, each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, access to a written record of all financial arrangements and transactions involving the individual resident's funds.

(4) Shall provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written itemized statement at least quarterly, of all financial transactions involving the resident's funds.

(5) Shall purchase a surety bond, or otherwise provide assurance satisfactory to the Departments of Public Health and Financial and Professional Regulation that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency.

(6) Shall keep any funds received from a resident for safekeeping in an account separate from the facility's funds, and shall at no time withdraw any part or all of such funds for any purpose other than to return the funds to the resident upon the request of the resident or any other person entitled to make such request, to pay the resident his or her allowance, or to make any other payment authorized by the resident or any

other person entitled to make such authorization.

(7) Shall deposit any funds received from a resident in excess of $100 in an interest-bearing ~~interest bearing~~ account insured by agencies of, or corporations chartered by, the State or federal government. The account shall be in a form which clearly indicates that the facility has only a fiduciary interest in the funds and any interest from the account shall accrue to the resident. The facility may keep up to $100 of a resident's money in a non-interest-bearing account or petty cash fund, to be readily available for the resident's current expenditures.

(8) Shall return to the resident, or the person who executed the written authorization required in subsection (2) of this Section, upon written request, all or any part of the resident's funds given the facility for safekeeping, including the interest accrued from deposits.

(9) Shall (a) place any monthly allowance to which a resident is entitled in that resident's personal account, or give it to the resident, unless the facility has written authorization from the resident or the resident's guardian or if the resident is a minor, his parent, to handle it differently, (b) take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident, and (c) where such funds are withdrawn from the resident's personal account by any person

other than the resident, require such person to whom funds constituting any part of a resident's personal needs allowance are released, to execute an affidavit that such funds shall be used exclusively for the benefit of the resident.

(10) Unless otherwise provided by State law, upon the death of a resident, shall provide the executor or administrator of the resident's estate with a complete accounting of all the resident's personal property, including any funds of the resident being held by the facility.

(11) If an adult resident is incapable of managing his or her funds and does not have a resident's representative, guardian, or an immediate family member, shall notify the Division ~~Office~~ of ~~the~~ State Guardian of the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~.

(12) If the facility is sold, shall provide the buyer with a written verification by a public accountant of all residents' monies and properties being transferred, and obtain a signed receipt from the new owner.

(Source: P.A. 99-180, eff. 7-29-15.)

Section 10-75. The ID/DD Community Care Act is amended by changing Sections 2-106 and 2-201 as follows:

(210 ILCS 47/2-106)

Sec. 2-106. Restraints and confinements.

(a) For purposes of this Act:

(i) A physical restraint is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a resident's body that the resident cannot remove easily and restricts freedom of movement or normal access to one's body. Devices used for positioning, including but not limited to bed rails, gait belts, and cushions, shall not be considered to be restraints for purposes of this Section.

(ii) A chemical restraint is any drug used for discipline or convenience and not required to treat medical symptoms. The Department shall by rule, designate certain devices as restraints, including at least all those devices which have been determined to be restraints by the United States Department of Health and Human Services in interpretive guidelines issued for the purposes of administering Titles XVIII and XIX of the Social Security Act.

(b) Neither restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel. No restraints or confinements shall be employed except as ordered by a physician who documents the need for such restraints or confinements in the resident's clinical record. Each facility licensed under this Act must have a written policy to address the use of restraints and seclusion. The Department shall establish by rule the provisions that the policy must include, which, to the extent practicable, should be consistent with the requirements for participation in the federal Medicare program. Each policy shall include periodic review of the use of restraints.

(c) A restraint may be used only with the informed consent of the resident, the resident's guardian, or other authorized representative. A restraint may be used only for specific periods, if it is the least restrictive means necessary to attain and maintain the resident's highest practicable physical, mental or psychosocial well-being ~~well being~~, including brief periods of time to provide necessary lifesaving ~~life saving~~ treatment. A restraint may be used only after consultation with appropriate health professionals, such as occupational or physical therapists, and a trial of less restrictive measures has led to the determination that the use of less restrictive measures would not attain or maintain the resident's highest practicable physical, mental or psychosocial well-being ~~well being~~. However, if the resident needs emergency care, restraints may be used for brief periods to permit medical treatment to proceed unless the facility has notice that the resident has previously made a valid refusal of the treatment in question.

(d) A restraint may be applied only by a person trained in the application of the particular type of restraint.

(e) Whenever a period of use of a restraint is initiated, the resident shall be advised of his or her right to have a person or organization of his or her choosing, including the

Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, notified of the use of the restraint. A recipient who is under guardianship may request that a person or organization of his or her choosing be notified of the restraint, whether or not the guardian approves the notice. If the resident so chooses, the facility shall make the notification within 24 hours, including any information about the period of time that the restraint is to be used. Whenever the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ is notified that a resident has been restrained, it shall contact the resident to determine the circumstances of the restraint and whether further action is warranted.

(f) Whenever a restraint is used on a resident whose primary mode of communication is sign language, the resident shall be permitted to have his or her hands free from restraint for brief periods each hour, except when this freedom may result in physical harm to the resident or others.

(g) The requirements of this Section are intended to control in any conflict with the requirements of Sections 1-126 and 2-108 of the Mental Health and Developmental Disabilities Code.

(Source: P.A. 96-339, eff. 7-1-10.)

(210 ILCS 47/2-201)

Sec. 2-201. Residents' funds. To protect the residents' funds, the facility:

(1) Shall at the time of admission provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written statement explaining to the resident and to the resident's spouse (a) their spousal impoverishment rights, as defined at Section 5-4 of the Illinois Public Aid Code, and at Section 303 of Title III of the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360), and (b) the resident's rights regarding personal funds and listing the services for which the resident will be charged. The facility shall obtain a signed acknowledgment from each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, that such person has received the statement.

(2) May accept funds from a resident for safekeeping and managing, if it receives written authorization from, in order of priority, the resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any; such authorization shall be attested to by a witness who has no pecuniary interest in the facility or its operations, and who is not connected in any way to facility personnel or the administrator in any manner whatsoever.

(3) Shall maintain and allow, in order of priority, each

resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, access to a written record of all financial arrangements and transactions involving the individual resident's funds.

(4) Shall provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written itemized statement at least quarterly, of all financial transactions involving the resident's funds.

(5) Shall purchase a surety bond, or otherwise provide assurance satisfactory to the Departments of Public Health and Financial and Professional Regulation that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency.

(6) Shall keep any funds received from a resident for safekeeping in an account separate from the facility's funds, and shall at no time withdraw any part or all of such funds for any purpose other than to return the funds to the resident upon the request of the resident or any other person entitled to make such request, to pay the resident his or her allowance, or to make any other payment authorized by the resident or any other person entitled to make such authorization.

(7) Shall deposit any funds received from a resident in excess of $100 in an interest-bearing ~~interest bearing~~ account

insured by agencies of, or corporations chartered by, the State or federal government. The account shall be in a form which clearly indicates that the facility has only a fiduciary interest in the funds and any interest from the account shall accrue to the resident. The facility may keep up to $100 of a resident's money in a non-interest-bearing account or petty cash fund, to be readily available for the resident's current expenditures.

(8) Shall return to the resident, or the person who executed the written authorization required in subsection (2) of this Section, upon written request, all or any part of the resident's funds given the facility for safekeeping, including the interest accrued from deposits.

(9) Shall (a) place any monthly allowance to which a resident is entitled in that resident's personal account, or give it to the resident, unless the facility has written authorization from the resident or the resident's guardian or if the resident is a minor, his parent, to handle it differently, (b) take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident, and (c) where such funds are withdrawn from the resident's personal account by any person other than the resident, require such person to whom funds constituting any part of a resident's personal needs allowance are released, to execute an affidavit that such funds shall be

used exclusively for the benefit of the resident.

(10) Unless otherwise provided by State law, upon the death of a resident, shall provide the executor or administrator of the resident's estate with a complete accounting of all the resident's personal property, including any funds of the resident being held by the facility.

(11) If an adult resident is incapable of managing his or her funds and does not have a resident's representative, guardian, or an immediate family member, shall notify the Division ~~Office~~ of ~~the~~ State Guardian of the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~.

(12) If the facility is sold, shall provide the buyer with a written verification by a public accountant of all residents' monies and properties being transferred, and obtain a signed receipt from the new owner.

(Source: P.A. 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10.)

Section 10-80. The Hospital Licensing Act is amended by changing Section 9.6 as follows:

(210 ILCS 85/9.6)

Sec. 9.6. Patient protection from abuse.

(a) No administrator, agent, or employee of a hospital or a hospital affiliate, or a member of a hospital's medical staff, may abuse a patient in the hospital or in a facility operated by a hospital affiliate.

(b) Any hospital administrator, agent, employee, or medical staff member, or an administrator, employee, or physician employed by a hospital affiliate, who has reasonable cause to believe that any patient with whom he or she has direct contact has been subjected to abuse in the hospital or hospital affiliate shall promptly report or cause a report to be made to a designated hospital administrator responsible for providing such reports to the Department as required by this Section.

(c) Retaliation against a person who lawfully and in good faith makes a report under this Section is prohibited.

(d) Upon receiving a report under subsection (b) of this Section, the hospital or hospital affiliate shall submit the report to the Department within 24 hours of obtaining such report. In the event that the hospital receives multiple reports involving a single alleged instance of abuse, the hospital shall submit one report to the Department.

(e) Upon receiving a report under this Section, the hospital or hospital affiliate shall promptly conduct an internal review to ensure the alleged victim's safety. Measures to protect the alleged victim shall be taken as deemed necessary by the hospital's administrator and may include, but are not limited to, removing suspected violators from further patient contact during the hospital's or hospital affiliate's internal review. If the alleged victim lacks decision-making capacity under the Health Care Surrogate Act and no health care surrogate is available, the hospital or hospital affiliate may contact the Department of Disability Advocacy and ~~Illinois~~ Guardianship ~~and Advocacy Commission~~ to determine the need for a temporary guardian of that person.

(f) All internal hospital and hospital affiliate reviews shall be conducted by a designated employee or agent who is qualified to detect abuse and is not involved in the alleged victim's treatment. All internal review findings must be documented and filed according to hospital or hospital affiliate procedures and shall be made available to the Department upon request.

(g) Any other person may make a report of patient abuse to the Department if that person has reasonable cause to believe that a patient has been abused in the hospital or hospital affiliate.

(h) The report required under this Section shall include: the name of the patient; the name and address of the hospital or hospital affiliate treating the patient; the age of the patient; the nature of the patient's condition, including any evidence of previous injuries or disabilities; and any other information that the reporter believes might be helpful in establishing the cause of the reported abuse and the identity of the person believed to have caused the abuse.

(i) Except for willful or wanton misconduct, any individual, person, institution, or agency participating in good faith in the making of a report under this Section, or in the investigation of such a report or in making a disclosure of information concerning reports of abuse under this Section, shall have immunity from any liability, whether civil, professional, or criminal, that otherwise might result by reason of such actions. For the purpose of any proceedings, whether civil, professional, or criminal, the good faith of any persons required to report cases of suspected abuse under this Section or who disclose information concerning reports of abuse in compliance with this Section, shall be presumed.

(j) No administrator, agent, or employee of a hospital or hospital affiliate shall adopt or employ practices or procedures designed to discourage good faith reporting of patient abuse under this Section.

(k) Every hospital and hospital affiliate shall ensure that all new and existing employees are trained in the detection and reporting of abuse of patients and retrained at least every 2 years thereafter.

(l) The Department shall investigate each report of patient abuse made under this Section according to the procedures of the Department, except that a report of abuse which indicates that a patient's life or safety is in imminent danger shall be investigated within 24 hours of such report. Under no circumstances may a hospital's or hospital affiliate's internal review of an allegation of abuse replace an investigation of the allegation by the Department.

(m) The Department shall keep a continuing record of all reports made pursuant to this Section, including indications of the final determination of any investigation and the final disposition of all reports. The Department shall inform the investigated hospital or hospital affiliate and any other person making a report under subsection (g) of its final determination or disposition in writing.

(n) The Department shall not disclose to the public any information regarding any reports and investigations under this Section unless and until the report of abuse is substantiated following a full and proper investigation.

(o) All patient identifiable information in any report or investigation under this Section shall be confidential and shall not be disclosed except as authorized by this Act or other applicable law.

(p) Nothing in this Section relieves a hospital or hospital affiliate administrator, employee, agent, or medical staff member from contacting appropriate law enforcement authorities as required by law.

(q) Nothing in this Section shall be construed to mean that a patient is a victim of abuse because of health care services provided or not provided by health care professionals.

(r) Nothing in this Section shall require a hospital or hospital affiliate, including its employees, agents, and medical staff members, to provide any services to a patient in contravention of his or her stated or implied objection thereto upon grounds that such services conflict with his or her religious beliefs or practices, nor shall such a patient be considered abused under this Section for the exercise of such beliefs or practices.

(s) The Department's implementation of this Section is subject to appropriations to the Department for that purpose.

(t) As used in this Section, the following terms have the following meanings:

"Abuse" means any physical or mental injury or sexual abuse intentionally inflicted by a hospital or hospital affiliate employee, agent, or medical staff member on a patient of the hospital or hospital affiliate and does not include any hospital or hospital affiliate, medical, health care, or other personal care services done in good faith in the interest of the patient according to established medical and clinical standards of care.

"Hospital affiliate" has the meaning given to that term in Section 10.8.

"Mental injury" means intentionally caused emotional distress in a patient from words or gestures that would be considered by a reasonable person to be humiliating, harassing, or threatening and which causes observable and substantial impairment.

"Sexual abuse" means any intentional act of sexual contact or sexual penetration of a patient in the hospital.

"Substantiated", with respect to a report of abuse, means that a preponderance of the evidence indicates that abuse occurred.

(Source: P.A. 103-803, eff. 1-1-25.)

Section 10-85. The Illinois Public Aid Code is amended by changing Section 3-1.2 as follows:

(305 ILCS 5/3-1.2) (from Ch. 23, par. 3-1.2)

Sec. 3-1.2. Need.

(a) Income available to the person, when added to contributions in money, substance, or services from other sources, including contributions from legally responsible relatives, must be insufficient to equal the grant amount established by Department regulation for such person. In determining earned income to be taken into account, consideration shall be given to any expenses reasonably attributable to the earning of such income. If federal law or regulations permit or require exemption of earned or other income and resources, the Illinois Department shall provide by rule and regulation that the amount of income to be disregarded be increased (1) to the maximum extent so required and (2) to the maximum extent permitted by federal law or regulation in effect as of the date this amendatory Act becomes law. The Illinois Department may also provide by rule and regulation that the amount of resources to be disregarded be increased to the maximum extent so permitted or required.

(b) Subject to federal approval, resources (for example, land, buildings, equipment, supplies, or tools), including farmland property and personal property used in the income-producing operations related to the farmland (for example, equipment and supplies, motor vehicles, or tools), necessary for self-support, up to $6,000 of the person's equity in the income-producing property, provided that the property produces a net annual income of at least 6% of the excluded equity value of the property, are exempt. Equity value in excess of $6,000 shall not be excluded. If the activity produces income that is less than 6% of the exempt equity due to reasons beyond the person's control (for example, the person's illness or crop failure) and there is a reasonable expectation that the property will again produce income equal to or greater than 6% of the equity value (for example, a medical prognosis that the person is expected to respond to treatment or that drought-resistant corn will be planted), the equity value in the property up to $6,000 is exempt. If the person owns more than one piece of property and each produces income, each piece of property shall be looked at to determine whether the 6% rule is met, and then the amounts of the person's equity in all of those properties shall be totaled to determine whether the total equity is $6,000 or less. The total equity value of all properties that is exempt shall be limited to $6,000.

(c) In determining the resources of an individual or any dependents, the Department shall exclude from consideration the value of funeral and burial spaces, funeral and burial insurance the proceeds of which can only be used to pay the funeral and burial expenses of the insured and funds specifically set aside for the funeral and burial arrangements of the individual or his or her dependents, including prepaid funeral and burial plans, to the same extent that such items are excluded from consideration under the federal Supplemental Security Income program (SSI). At any time prior to or after submitting an application for medical assistance and before a final determination of eligibility has been made by the Department, an applicant may use available resources to purchase one of the prepaid funeral or burial contracts exempted under this Section.

Prepaid funeral or burial contracts are exempt to the following extent:

(1) Funds in a revocable prepaid funeral or burial contract are exempt up to $1,500, except that any portion of a contract that clearly represents the purchase of burial space, as that term is defined for purposes of the Supplemental Security Income program, is exempt regardless of value.

(2) Funds in an irrevocable prepaid funeral or burial contract are exempt up to $7,248, except that any portion of a contract that clearly represents the purchase of burial space, as that term is defined for purposes of the

Supplemental Security Income program, is exempt regardless of value. This amount shall be adjusted annually for any increase in the Consumer Price Index. The amount exempted shall be limited to the price of the funeral goods and services to be provided upon death. The contract must provide a complete description of the funeral goods and services to be provided and the price thereof. Any amount in the contract not so specified shall be treated as a transfer of assets for less than fair market value.

(3) A prepaid, guaranteed-price funeral or burial contract, funded by an irrevocable assignment of a person's life insurance policy to a trust or a funeral home, is exempt. The amount exempted shall be limited to the amount of the insurance benefit designated for the cost of the funeral goods and services to be provided upon the person's death. The contract must provide a complete description of the funeral goods and services to be provided and the price thereof. Any amount in the contract not so specified shall be treated as a transfer of assets for less than fair market value. The trust must include a statement that, upon the death of the person, the State will receive all amounts remaining in the trust, including any remaining payable proceeds under the insurance policy up to an amount equal to the total medical assistance paid on behalf of the person. The trust is responsible for ensuring that the provider of funeral services under the

contract receives the proceeds of the policy when it provides the funeral goods and services specified under the contract. The irrevocable assignment of ownership of the insurance policy must be acknowledged by the insurance company.

(4) Existing life insurance policies are exempt if there has been an irrevocable assignment in compliance with Section 2b of the Illinois Funeral or Burial Funds Act. A person shall sign a contract with a funeral home, which is licensed under the Illinois Funeral or Burial Funds Act, that describes the cost of the funeral goods and services to be provided upon the person's death, up to $7,248, except that any portion of a contract that clearly represents the purchase of burial space, as that term is defined for purposes of the Supplemental Security Income program, is exempt regardless of value. This amount shall be adjusted annually for any increase in the Consumer Price Index. The contract must provide a complete description of the goods and services and any cash advances to be provided and the price thereof. The person shall sign an irrevocable designation of beneficiary form declaring that any amounts payable from the policies not used for goods and services and any cash advances as set forth in the contract shall be received by the State, up to an amount equal to the total medical assistance paid on behalf of the person; any funds remaining after payment to

the State shall be paid to a secondary beneficiary (if any) listed on the policy, or to the estate of the purchaser if no secondary beneficiary is named on the policy in the event the proceeds exceed the prearranged costs of merchandise and services and any cash advances and the total medical assistance paid on behalf of the insured. More than one policy may be subject to this subsection if the total face value of the policies is necessary to pay the amount described in the contract with the funeral home; policies that are not necessary to pay the amount described in the contract are not exempt. The licensed funeral home to which the life insurance policy benefits have been irrevocably assigned shall retain copies for inspection by the Comptroller and shall report annually to the Comptroller the following: the name of the insured, the name of the insurance company and policy number, an itemized account of the amount of the contract for goods and services and any cash advances provided, and the current value of the policy of benefits designated with a record of all amounts paid back to the State or other beneficiary. The Department of Healthcare and Family Services shall adopt rules and forms to implement this Section.

(d) Notwithstanding any other provision of this Code to the contrary, an irrevocable trust containing the resources of a person who is determined to have a disability shall be considered exempt from consideration. A pooled trust must be established and managed by a non-profit association that pools funds but maintains a separate account for each beneficiary. The trust may be established by the person, a parent, grandparent, legal guardian, or court. It must be established for the sole benefit of the person and language contained in the trust shall stipulate that any amount remaining in the trust (up to the amount expended by the Department on medical assistance) that is not retained by the trust for reasonable administrative costs related to wrapping up the affairs of the subaccount shall be paid to the Department upon the death of the person. After a person reaches age 65, any funding by or on behalf of the person to the trust shall be treated as a transfer of assets for less than fair market value unless the person is a ward of a county public guardian or the Division of State Guardian pursuant to Section 13-5 of the Probate Act of 1975 or Section 30 of the Guardianship and Advocacy Act and lives in the community, or the person is a ward of a county public guardian or the Division of State Guardian pursuant to Section 13-5 of the Probate Act of 1975 or Section 30 of the Guardianship and Advocacy Act and a court has found that any expenditures from the trust will maintain or enhance the person's quality of life. If the trust contains proceeds from a personal injury settlement, any Department charge must be satisfied in order for the transfer to the trust to be treated as a transfer for fair market value.

(e) The homestead shall be exempt from consideration except to the extent that it meets the income and shelter needs of the person. "Homestead" means the dwelling house and contiguous real estate owned and occupied by the person, regardless of its value. Subject to federal approval, a person shall not be eligible for long-term care services, however, if the person's equity interest in his or her homestead exceeds the minimum home equity as allowed and increased annually under federal law. Subject to federal approval, on and after the effective date of this amendatory Act of the 97th General Assembly, homestead property transferred to a trust shall no longer be considered homestead property.

(f) Occasional or irregular gifts in cash, goods or services from persons who are not legally responsible relatives which are of nominal value or which do not have significant effect in meeting essential requirements shall be disregarded.

(g) The eligibility of any applicant for or recipient of public aid under this Article is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

(h) The Illinois Department may, after appropriate investigation, establish and implement a consolidated standard to determine need and eligibility for and amount of benefits under this Article or a uniform cash supplement to the federal Supplemental Security Income program for all or any part of the then current recipients under this Article; provided, however, that the establishment or implementation of such a standard or supplement shall not result in reductions in benefits under this Article for the then current recipients of such benefits.

(i) The provisions under paragraph (4) of subsection (c) are subject to federal approval. The Department of Healthcare and Family Services shall apply for any necessary federal waivers or approvals to implement by January 1, 2023 the changes made to this Section by this amendatory Act of the 102nd General Assembly.

(Source: P.A. 102-959, eff. 5-27-22.)

Section 10-90. The Adult Protective Services Act is amended by changing Sections 2 and 3.5 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

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

(a) "Abandonment" means the desertion or willful forsaking of an eligible adult by an individual responsible for the care and custody of that eligible adult under circumstances in which a reasonable person would continue to provide care and custody. Nothing in this Act shall be construed to mean that an eligible adult is a victim of abandonment because of health care services provided or not provided by licensed health care professionals.

(a-1) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources, and abandonment or subjecting an eligible adult to an environment which creates a likelihood of harm to the eligible adult's health, physical and emotional well-being, or welfare.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, abandonment, neglect, or self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse in cases of criminal activity by strangers, telemarketing scams, consumer fraud, internet fraud, home repair disputes, complaints against a homeowners' association, or complaints between landlords and tenants.

(a-5) "Abuser" means a person who is a family member, caregiver, or another person who has a continuing relationship with the eligible adult and abuses, abandons, neglects, or financially exploits an eligible adult.

(a-6) "Adult with disabilities" means a person aged 18 through 59 who resides in a domestic living situation and whose disability as defined in subsection (c-5) impairs his or her ability to seek or obtain protection from abuse, abandonment, neglect, or exploitation.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living or instrumental activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(c-5) "Disability" means a physical or mental disability, including, but not limited to, a developmental disability, an intellectual disability, a mental illness as defined under the Mental Health and Developmental Disabilities Code, or dementia as defined under the Alzheimer's Disease Assistance Act.

(d) "Domestic living situation" means a residence where the eligible adult at the time of the report lives alone or with his or her family or a caregiver, or others, or other community-based unlicensed facility, but is not:

(1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;

(1.5) A facility licensed under the ID/DD Community Care Act;

(1.6) A facility licensed under the MC/DD Act;

(1.7) A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013;

(2) A "life care facility" as defined in the Life Care Facilities Act;

(3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;

(6) (Blank);

(7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act or a "community residential alternative" as licensed under that Act;

(8) An assisted living or shared housing establishment

as defined in the Assisted Living and Shared Housing Act; or

(9) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

(e) "Eligible adult" means either an adult with disabilities aged 18 through 59 or a person aged 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, abandoned, neglected, or financially exploited by another individual or who neglects himself or herself. "Eligible adult" also includes an adult who resides in any of the facilities that are excluded from the definition of "domestic living situation" under paragraphs (1) through (9) of subsection (d), if either: (i) the alleged abuse, abandonment, or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with the adult; or (ii) the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is not an employee of the facility where the adult resides.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-1) "Financial exploitation" means the use of an eligible adult's resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult.

(f-3) "Investment advisor" means any person required to register as an investment adviser or investment adviser representative under Section 8 of the Illinois Securities Law of 1953, which for purposes of this Act excludes any bank, trust company, savings bank, or credit union, or their respective employees.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

(1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Behavior Analyst Licensing Act, the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietitian Nutritionist Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nurse Practice Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act

of 1987, the Pharmacy Practice Act, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, and the Illinois Public Accounting Act;

(1.5) an employee of an entity providing developmental disabilities services or service coordination funded by the Department of Human Services;

(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;

(5) field personnel of the Department of Healthcare and Family Services, Department of Public Health, and

Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, except the State Long Term Care Ombudsman and any of his or her representatives or volunteers where prohibited from making such a report pursuant to 45 CFR 1324.11(e)(3)(iv);

(7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;

(8) a person who performs the duties of a coroner or medical examiner;

(9) a person who performs the duties of a paramedic or an emergency medical technician; or

(10) a person who performs the duties of an investment advisor.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

(h) "Provider agency" means any public or nonprofit agency in a planning and service area that is selected by the Department or appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, abandonment, neglect, or financial exploitation. A provider agency is also referenced as a "designated agency" in this Act.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area that provides regional oversight and performs functions as set forth in subsection (b) of Section 3 of this Act. The Department shall designate an Area Agency on Aging as the regional administrative agency or, in the event the Area Agency on Aging in that planning and service area is deemed by the Department to be unwilling or unable to provide those functions, the Department may serve as the regional administrative agency or designate another qualified entity to serve as the regional administrative agency; any such designation shall be subject to terms set forth by the Department.

(i-5) "Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, abandonment, neglect, financial exploitation, or self-neglect in which a provider agency, after assessment, determines that there is reason to believe abuse, abandonment, neglect, or financial exploitation has occurred.

(k) "Verified" means a determination that there is "clear and convincing evidence" that the specific injury or harm alleged was the result of abuse, abandonment, neglect, or financial exploitation.

(Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22; 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)

(320 ILCS 20/3.5)

Sec. 3.5. Other responsibilities. The Department shall also be responsible for the following activities, contingent upon adequate funding; implementation shall be expanded to adults with disabilities upon the effective date of this amendatory Act of the 98th General Assembly, except those responsibilities under subsection (a), which shall be undertaken as soon as practicable:

(a) promotion of a wide range of endeavors for the purpose of preventing abuse, abandonment, neglect, financial exploitation, and self-neglect, including, but not limited to, promotion of public and professional education to increase awareness of abuse, abandonment, neglect, financial exploitation, and self-neglect; to increase reports; to establish access to and use of the Registry established under Section 7.5; and to improve response by various legal, financial, social, and health systems;

(b) coordination of efforts with other agencies, councils, and like entities, to include but not be limited to, the Administrative Office of the Illinois Courts, the Office of the Attorney General, the Illinois State Police, the Illinois Law Enforcement Training Standards Board, the State Triad, the Illinois Criminal Justice Information Authority, the Departments of Public Health, Healthcare and Family Services, and Human Services, the Department of Disability Advocacy and ~~Illinois~~ Guardianship ~~and Advocacy Commission~~, the Family Violence Coordinating Council, the

Illinois Violence Prevention Authority, and other entities which may impact awareness of, and response to, abuse, abandonment, neglect, financial exploitation, and self-neglect;

(c) collection and analysis of data;

(d) monitoring of the performance of regional administrative agencies and adult protective services agencies;

(e) promotion of prevention activities;

(f) establishing and coordinating an aggressive training program on the unique nature of adult abuse cases with other agencies, councils, and like entities, to include but not be limited to the Office of the Attorney General, the Illinois State Police, the Illinois Law Enforcement Training Standards Board, the State Triad, the Illinois Criminal Justice Information Authority, the State Departments of Public Health, Healthcare and Family Services, and Human Services, the Family Violence Coordinating Council, the Illinois Violence Prevention Authority, the agency designated by the Governor under Section 1 of the Protection and Advocacy for Persons with Developmental Disabilities Act, and other entities that may impact awareness of and response to abuse, abandonment, neglect, financial exploitation, and self-neglect;

(g) solicitation of financial institutions for the purpose of making information available to the general public warning of financial exploitation of adults and related financial fraud or abuse, including such information and warnings available through signage or other written materials provided by the Department on the premises of such financial institutions, provided that the manner of displaying or distributing such information is subject to the sole discretion of each financial institution; and

(g-1) developing by joint rulemaking with the Department of Financial and Professional Regulation minimum training standards which shall be used by financial institutions for their current and new employees with direct customer contact; the Department of Financial and Professional Regulation shall retain sole visitation and enforcement authority under this subsection (g-1); the Department of Financial and Professional Regulation shall provide bi-annual reports to the Department setting forth aggregate statistics on the training programs required under this subsection (g-1).

(Source: P.A. 102-244, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-626, eff. 1-1-25.)

Section 10-95. The Mental Health and Developmental Disabilities Code is amended by changing Sections 2-103, 2-108, 2-109, 2-114, 2-200, 2-201, 3-206, 3-405, 3-805, 3-910, 4-201.1, 4-203, 4-605, and 5-100 as follows:

(405 ILCS 5/2-103) (from Ch. 91 1/2, par. 2-103)

Sec. 2-103. Except as provided in this Section, a recipient who resides in a mental health or developmental disabilities facility shall be permitted unimpeded, private, and uncensored communication with persons of his choice by mail, telephone and visitation.

(a) The facility director shall ensure that correspondence can be conveniently received and mailed, that telephones are reasonably accessible, and that space for visits is available. Writing materials, postage and telephone usage funds shall be provided in reasonable amounts to recipients who reside in Department facilities and who are unable to procure such items.

(b) Reasonable times and places for the use of telephones and for visits may be established in writing by the facility director.

(c) Unimpeded, private and uncensored communication by mail, telephone, and visitation may be reasonably restricted by the facility director only in order to protect the recipient or others from harm, harassment or intimidation, provided that notice of such restriction shall be given to all recipients upon admission. When communications are restricted, the facility shall advise the recipient that he has the right to require the facility to notify the affected parties of the restriction, and to notify such affected party when the restrictions are no longer in effect. However, all letters addressed by a recipient to the Governor, members of the General Assembly, Attorney General, judges, state's attorneys, the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, or the Agency designated pursuant to "An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending Acts therein named", approved September 20, 1985, officers of the Department, or licensed attorneys at law must be forwarded at once to the persons to whom they are addressed without examination by the facility authorities. Letters in reply from the officials and attorneys mentioned above must be delivered to the recipient without examination by the facility authorities.

(d) No facility shall prevent any attorney who represents a recipient or who has been requested to do so by any relative or family member of the recipient, from visiting a recipient during normal business hours, unless that recipient refuses to meet with the attorney.

(e) Whenever, as the result of the closing or the reduction in the number of units or available beds of any mental health facility operated by the Department of Human Services, the State determines to enter into a contract with any mental health facility to provide hospitalization to persons who would otherwise be served by the State-operated mental health facility, the resident shall be entitled to the same rights under this Section.

(Source: P.A. 97-1007, eff. 8-17-12.)

(405 ILCS 5/2-108) (from Ch. 91 1/2, par. 2-108)

Sec. 2-108. Use of restraint. Restraint may be used only as a therapeutic measure to prevent a recipient from causing physical harm to himself or physical abuse to others. Restraint may only be applied by a person who has been trained in the application of the particular type of restraint to be utilized. In no event shall restraint be utilized to punish or discipline a recipient, nor is restraint to be used as a convenience for the staff.

(a) Except as provided in this Section, restraint shall be employed only upon the written order of a physician, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or registered nurse with supervisory responsibilities. No restraint shall be ordered unless the physician, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or registered nurse with supervisory responsibilities, after personally observing and examining the recipient, is clinically satisfied that the use of restraint is justified to prevent the recipient from causing physical harm to himself or others. In no event may restraint continue for longer than 2 hours unless within that time period a nurse with supervisory responsibilities, advanced practice psychiatric nurse, or a physician confirms, in writing, following a personal examination of the recipient, that the restraint does not pose an undue risk to the recipient's health in light of the recipient's physical or medical condition. The order shall state the events leading up to the need for restraint and the purposes for which restraint is employed. The order shall also state the length of time restraint is to be employed and the clinical justification for that length of time. No order for restraint shall be valid for more than 16 hours. If further restraint is required, a new order must be issued pursuant to the requirements provided in this Section.

(b) In the event there is an emergency requiring the immediate use of restraint, it may be ordered temporarily by a qualified person only where a physician, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or registered nurse with supervisory responsibilities is not immediately available. In that event, an order by a nurse, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or physician shall be obtained pursuant to the requirements of this Section as quickly as possible, and the recipient shall be examined by a physician or supervisory nurse within 2 hours after the initial employment of the emergency restraint. Whoever orders restraint in emergency situations shall document its necessity and place that documentation in the recipient's record.

(c) The person who orders restraint shall inform the facility director or his designee in writing of the use of restraint within 24 hours.

(d) The facility director shall review all restraint orders daily and shall inquire into the reasons for the orders for restraint by any person who routinely orders them.

(e) Restraint may be employed during all or part of one 24-hour ~~24 hour~~ period, the period commencing with the initial application of the restraint. However, once restraint has been employed during one 24-hour ~~24 hour~~ period, it shall not be used again on the same recipient during the next 48 hours without the prior written authorization of the facility director.

(f) Restraint shall be employed in a humane and therapeutic manner and the person being restrained shall be observed by a qualified person as often as is clinically appropriate but in no event less than once every 15 minutes. The qualified person shall maintain a record of the observations. Specifically, unless there is an immediate danger that the recipient will physically harm himself or others, restraint shall be loosely applied to permit freedom of movement. Further, the recipient shall be permitted to have regular meals and toilet privileges free from the restraint, except when freedom of action may result in physical harm to the recipient or others.

(g) Every facility that employs restraint shall provide training in the safe and humane application of each type of restraint employed. The facility shall not authorize the use of any type of restraint by an employee who has not received training in the safe and humane application of that type of restraint. Each facility in which restraint is used shall maintain records detailing which employees have been trained and are authorized to apply restraint, the date of the training and the type of restraint that the employee was trained to use.

(h) Whenever restraint is imposed upon any recipient whose primary mode of communication is sign language, the recipient shall be permitted to have his hands free from restraint for brief periods each hour, except when freedom may result in physical harm to the recipient or others.

(i) A recipient who is restrained may only be secluded at the same time pursuant to an explicit written authorization as provided in Section 2-109 of this Code. Whenever a recipient is restrained, a member of the facility staff shall remain with the recipient at all times unless the recipient has been secluded. A recipient who is restrained and secluded shall be observed by a qualified person as often as is clinically appropriate but in no event less than every 15 minutes.

(j) Whenever restraint is used, the recipient shall be advised of his right, pursuant to Sections 2-200 and 2-201 of this Code, to have any person of his choosing, including the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ or the agency designated pursuant to the Protection and Advocacy for Persons with Developmental Disabilities Act notified of the restraint. A recipient who is under guardianship may request that any person of his choosing be notified of the restraint whether or not the guardian approves of the notice. Whenever the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ is notified that a recipient has been restrained, it shall contact that recipient to determine the circumstances of the restraint and whether further action is warranted.

(Source: P.A. 101-587, eff. 1-1-20.)

(405 ILCS 5/2-109) (from Ch. 91 1/2, par. 2-109)

Sec. 2-109. Seclusion. Seclusion may be used only as a therapeutic measure to prevent a recipient from causing physical harm to himself or physical abuse to others. In no event shall seclusion be utilized to punish or discipline a recipient, nor is seclusion to be used as a convenience for the staff.

(a) Seclusion shall be employed only upon the written order of a physician, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or registered nurse with supervisory responsibilities. No seclusion shall be ordered unless the physician, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or registered nurse with supervisory responsibilities, after personally observing and examining the recipient, is clinically satisfied that the use of seclusion is justified to prevent the recipient from causing physical harm to himself or others. In no event may seclusion continue for longer than 2 hours unless within that time period a nurse with supervisory responsibilities, advanced practice psychiatric nurse, or a physician confirms in writing, following a personal examination of the recipient, that the seclusion does not pose an undue risk to the recipient's health in light of the recipient's physical or medical condition. The order shall state the events leading up to the need for seclusion and the purposes for which seclusion is employed. The order shall also state the length of time seclusion is to be employed and the clinical justification for the length of time. No order for seclusion shall be valid for more than 16 hours. If further seclusion is required, a new order must be issued pursuant to the requirements provided in this Section.

(b) The person who orders seclusion shall inform the facility director or his designee in writing of the use of seclusion within 24 hours.

(c) The facility director shall review all seclusion orders daily and shall inquire into the reasons for the orders for seclusion by any person who routinely orders them.

(d) Seclusion may be employed during all or part of one 16-hour ~~16 hour~~ period, that period commencing with the initial application of the seclusion. However, once seclusion has been employed during one 16-hour ~~16 hour~~ period, it shall not be used again on the same recipient during the next 48 hours without the prior written authorization of the facility director.

(e) The person who ordered the seclusion shall assign a qualified person to observe the recipient at all times. A recipient who is restrained and secluded shall be observed by a qualified person as often as is clinically appropriate but in no event less than once every 15 minutes.

(f) Safety precautions shall be followed to prevent injuries to the recipient in the seclusion room. Seclusion rooms shall be adequately lighted, heated, and furnished. If a door is locked, someone with a key shall be in constant attendance nearby.

(g) Whenever seclusion is used, the recipient shall be advised of his right, pursuant to Sections 2-200 and 2-201 of this Code, to have any person of his choosing, including the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ notified of the seclusion. A person who is under guardianship may request that any person of his choosing be notified of the seclusion whether or not the guardian approves of the notice. Whenever the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ is notified that a recipient has been secluded, it shall contact that recipient to determine the circumstances of the seclusion and whether further action is warranted.

(Source: P.A. 101-587, eff. 1-1-20.)

(405 ILCS 5/2-114) (from Ch. 91 1/2, par. 2-114)

Sec. 2-114. (a) Whenever an attorney or other advocate from the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ or the agency designated by the Governor under Section 1 of the Protection and Advocacy for Persons with Developmental Disabilities Act or any other attorney advises a facility in which a recipient is receiving inpatient mental health services that he is presently representing the recipient, or has been appointed by any court or administrative agency to do so or has been requested to represent the recipient by a member of the recipient's family, the facility shall, subject to the provisions of Section 2-113 of this Code, disclose to the attorney or advocate whether the recipient is presently residing in the facility and, if so, how the attorney or advocate may communicate with the recipient.

(b) The facility may take reasonable precautions to identify the attorney or advocate. No further information shall be disclosed to the attorney or advocate except in conformity with the authorization procedures contained in the Mental Health and Developmental Disabilities Confidentiality

Act.

(c) Whenever the location of the recipient has been disclosed to an attorney or advocate, the facility director shall inform the recipient of that fact and shall note this disclosure in the recipient's records.

(d) An attorney or advocate who receives any information under this Section may not disclose this information to anyone else without the written consent of the recipient obtained pursuant to Section 5 of the Mental Health and Developmental Disabilities Confidentiality Act.

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

(405 ILCS 5/2-200) (from Ch. 91 1/2, par. 2-200)

Sec. 2-200. (a) Upon commencement of services, or as soon thereafter as the condition of the recipient permits, every adult recipient, as well as the recipient's guardian or substitute decision maker, and every recipient who is 12 years of age or older and the parent or guardian of a minor or person under guardianship shall be informed orally and in writing of the rights guaranteed by this Chapter which are relevant to the nature of the recipient's services program. The notice shall include, if applicable, the recipient's right to request a transfer to a different Department facility under Section 3-908. Every facility shall also post conspicuously in public areas a summary of the rights which are relevant to the services delivered by that facility as well as contact information for the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ and the agency designated by the Governor under Section 1 of the Protection and Advocacy for Persons with Developmental Disabilities Act.

(b) A recipient who is 12 years of age or older and the parent or guardian of a minor or person under guardianship at any time may designate, and upon commencement of services shall be informed of the right to designate, a person or agency to receive notice under Section 2-201 or to direct that no information about the recipient be disclosed to any person or agency.

(c) Upon commencement of services, or as soon thereafter as the condition of the recipient permits, the facility shall ask the adult recipient or minor recipient admitted pursuant to Section 3-502 whether the recipient wants the facility to contact the recipient's spouse, parents, guardian, close relatives, friends, attorney, advocate from the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ or the agency designated by the Governor under Section 1 of the Protection and Advocacy for Persons with Developmental Disabilities Act, or others and inform them of the recipient's presence at the facility. The facility shall by phone or by mail contact at least two of those people designated by the recipient and shall inform them of the recipient's location. If the recipient so requests, the facility shall also inform them of how to contact the recipient.

(d) Upon commencement of services, or as soon thereafter as the condition of the recipient permits, the facility shall advise the recipient as to the circumstances under which the law permits the use of emergency forced medication or electroconvulsive therapy under subsection (a) of Section 2-107, restraint under Section 2-108, or seclusion under Section 2-109. At the same time, the facility shall inquire of the recipient which form of intervention the recipient would prefer if any of these circumstances should arise. The recipient's preference shall be noted in the recipient's record and communicated by the facility to the recipient's guardian or substitute decision maker, if any, and any other individual designated by the recipient. If any such circumstances subsequently do arise, the facility shall give due consideration to the preferences of the recipient regarding which form of intervention to use as communicated to the facility by the recipient or as stated in the recipient's advance directive.

(Source: P.A. 102-593, eff. 8-27-21.)

(405 ILCS 5/2-201) (from Ch. 91 1/2, par. 2-201)

Sec. 2-201. (a) Whenever any rights of a recipient of services that are specified in this Chapter are restricted, the professional responsible for overseeing the implementation of the recipient's services plan shall be responsible for promptly giving notice of the restriction or use of restraint or seclusion and the reason therefor to:

(1) the recipient and, if such recipient is a minor or under guardianship, his parent or guardian;

(2) a person designated under subsection (b) of Section 2-200 upon commencement of services or at any later time to receive such notice;

(3) the facility director;

(4) the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, or the agency designated under "An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending Acts therein named", approved September 20, 1985, if either is so designated; and

(5) the recipient's substitute decision maker, if any.

The professional shall also be responsible for promptly recording such restriction or use of restraint or seclusion and the reason therefor in the recipient's record.

(b) The facility director shall maintain a file of all notices of restrictions of rights, or the use of restraint or seclusion for the past 3 years. The facility director shall allow the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, the agency designated by the Governor under Section 1 of "An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending Acts therein named," approved September 20, 1985, and the Department to examine and copy

such records upon request. Records obtained under this Section shall not be further disclosed except pursuant to written authorization of the recipient under Section 5 of the Mental Health and Developmental Disabilities Confidentiality Act.
(Source: P.A. 91-726, eff. 6-2-00.)

(405 ILCS 5/3-206) (from Ch. 91 1/2, par. 3-206)

Sec. 3-206. Whenever a person is admitted or objects to admission, and whenever a recipient is notified that his legal status is to be changed, the facility director of the mental health facility shall provide the person, if he is 12 or older, with the address and phone number of the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~. If the person requests, the facility director shall assist him in contacting the Department of Disability Advocacy and Guardianship ~~Commission~~.
(Source: P.A. 88-380.)

(405 ILCS 5/3-405) (from Ch. 91 1/2, par. 3-405)

Sec. 3-405. (a) If the facility director of a Department mental health facility declines to admit a person seeking admission under Articles III or IV of this Chapter, a review of the denial may be requested by the person seeking admission or, with his consent, by an interested person on his behalf. Such a request may be made on behalf of a minor presented for admission under Section 3-502, 3-503 or 3-504 by the minor's attorney, by the parent, guardian or person in loco parentis who executed the application for his admission, or by the minor himself if he is 16 years of age or older. Whenever admission to a Department facility is denied, the person seeking admission shall immediately be given written notice of the right to request review of the denial under this Section and shall be provided, if he is 12 or older, with the address and phone number of the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~. If the person requests, the facility director shall assist him in contacting the Department of Disability Advocacy and Guardianship ~~Commission~~. A written request for review shall be submitted to the director of the facility that denied admission within 14 days of the denial. Upon receipt of the request, the facility director shall promptly schedule a hearing to be held at the denying facility within 7 days pursuant to Section 3-207.

(b) At the hearing the Department shall have the burden of proving that the person denied admission does not meet the standard set forth in the Section under which admission is sought or that an appropriate alternative community treatment program was available to meet the person's needs and was offered. If the utilization review committee finds that the decision denying admission is based upon substantial evidence, it shall recommend that the denial of admission be upheld. However, if it finds that the facility to which admission is sought can provide adequate and appropriate treatment for the

person and no appropriate community alternative treatment is available, it shall recommend that the person denied admission be admitted. If it determines that another facility can provide treatment appropriate to the clinical condition and needs of the person denied admission, it may recommend that the Department or other agency assist the person in obtaining such treatment.
(Source: P.A. 91-726, eff. 6-2-00.)

(405 ILCS 5/3-805) (from Ch. 91 1/2, par. 3-805)

Sec. 3-805. Every respondent alleged to be subject to involuntary admission on an inpatient or outpatient basis shall be represented by counsel. If the respondent is indigent or an appearance has not been entered on his behalf at the time the matter is set for hearing, the court shall appoint counsel for him. A hearing shall not proceed when a respondent is not represented by counsel unless, after conferring with counsel, the respondent requests to represent himself and the court is satisfied that the respondent has the capacity to make an informed waiver of his right to counsel. Counsel shall be allowed time for adequate preparation and shall not be prevented from conferring with the respondent at reasonable times nor from making an investigation of the matters in issue and presenting such relevant evidence as he believes is necessary.

1. If the court determines that the respondent is unable

to obtain counsel, the court shall appoint as counsel an attorney employed by or under contract with the Department of Disability Advocacy and Guardianship ~~and Mental Health Advocacy Commission~~, if available.

2. If an attorney from the Department of Disability Advocacy and Guardianship ~~and Mental Health Advocacy Commission~~ is not available, the court shall appoint as counsel the public defender or, only if no public defender is available, an attorney licensed to practice law in this State.

3. Upon filing with the court of a verified statement of legal services rendered by the private attorney appointed pursuant to paragraph (2) of this Section, the court shall determine a reasonable fee for such services. If the respondent is unable to pay the fee, the court shall enter an order upon the county to pay the entire fee or such amount as the respondent is unable to pay.

(Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

(405 ILCS 5/3-910) (from Ch. 91 1/2, par. 3-910)

Sec. 3-910. (a) Whenever a recipient who has been in a Department facility for more than 7 days is to be transferred to another facility under Section 3-908, the facility director of the facility shall give written notice at least 14 days before the transfer to the recipient, his attorney, guardian, if any, and responsible relative. In the case of a minor, notice shall be given to his attorney, to the parent, guardian, or person in loco parentis who executed the application for his admission, and to the minor himself if he is 12 years of age or older. The notice shall include the reasons for transfer, a statement of the right to object and the address and phone number of the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~. If the recipient requests, the facility director shall assist him in contacting the Department of Disability Advocacy and Guardianship ~~Commission~~.

(b) In an emergency, when the health of the recipient or the physical safety of the recipient or others is imminently imperiled and appropriate care is not available where the recipient is located, a recipient may be immediately transferred to another facility provided that notice of the transfer is given as soon as possible but not more than 48 hours after transfer. The reason for the emergency shall be noted in the recipient's record and specified in the notice.

(c) A recipient may object to his transfer or his attorney, guardian, or responsible relative may object on his behalf. In the case of a minor, his attorney, the person who executed the application for admission, or the minor himself if he is 12 years of age or older, may object to the transfer. Prior to transfer or within 14 days after an emergency transfer, a written objection shall be submitted to the facility director of the facility where the recipient is located. Upon receipt of an objection, the facility director shall promptly schedule a hearing to be held within 7 days pursuant to Section 3-207. The hearing shall be held at the transferring facility except that when an emergency transfer has taken place the hearing may be held at the receiving facility. Except in an emergency, no transfer shall proceed pending hearing on an objection.

(d) At the hearing the Department shall have the burden of proving that the standard for transfer under Section 3-908 is met. If the transfer is to a facility which is substantially more physically restrictive than the transferring facility, the Department shall also prove that the transfer is reasonably required for the safety of the recipient or others. If the utilization review committee finds that the Department has sustained its burden and the decision to transfer is based upon substantial evidence, it shall recommend that the transfer proceed. If it does not so find, it shall recommend that the recipient not be transferred.

(Source: P.A. 88-380.)

(405 ILCS 5/4-201.1) (from Ch. 91 1/2, par. 4-201.1)

Sec. 4-201.1. (a) A person residing in a Department mental health facility who is evaluated as having a mild or moderate intellectual disability, an attorney or advocate representing the person, or a guardian of such person may object to the Department facility director's certification required in Section 4-201, the treatment and habilitation plan, or appropriateness of setting, and obtain an administrative decision requiring revision of a treatment or habilitation plan or change of setting, by utilization review as provided in Sections 3-207 and 4-209 of this Code. As part of this utilization review, the Committee shall include as one of its members a qualified intellectual disabilities professional.

(b) The mental health facility director shall give written notice to each person evaluated as having a mild or moderate intellectual disability, the person's attorney and guardian, if any, or in the case of a minor, to his or her attorney, to the parent, guardian or person in loco parentis and to the minor if 12 years of age or older, of the person's right to request a review of the facility director's initial or subsequent determination that such person is appropriately placed or is receiving appropriate services. The notice shall also provide the address and phone number of the Division of Legal Advocacy ~~Service~~ of the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, which the person or guardian can contact for legal assistance. If requested, the facility director shall assist the person or guardian in contacting the Division of Legal Advocacy ~~Service~~. This notice shall be given within 24 hours of ~~Department's~~ evaluation by the Department of Human Services that the person has a mild or moderate intellectual disability.

(c) Any recipient of services who successfully challenges a final decision of the Secretary of the Department (or his or her designee) reviewing an objection to the certification required under Section 4-201, the treatment and habilitation plan, or the appropriateness of the setting shall be entitled to recover reasonable attorney's fees incurred in that challenge, unless the Department's position was substantially justified.

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

(405 ILCS 5/4-203) (from Ch. 91 1/2, par. 4-203)

Sec. 4-203. (a) Every developmental disabilities facility shall maintain adequate records which shall include the Section of this Act under which the client was admitted, any subsequent change in the client's status, and requisite documentation for such admission and status.

(b) The Department shall ensure that a monthly report is maintained for each Department mental health facility, and each unit of a Department developmental disability facility for dually diagnosed persons, which lists (1) initials of persons admitted to, residing at, or discharged from a Department mental health facility or unit for dually diagnosed persons of Department developmental disability facility during that month with a primary or secondary diagnosis of intellectual disability, (2) the date and facility and unit of admission or continuing, care, (3) the legal admission status, (4) the recipient's diagnosis, (5) the date and facility and unit of transfer or discharge, (6) whether or not there is a public or private guardian, (7) whether the facility director has certified that appropriate treatment and habilitation are available for and being provided to such person pursuant to Section 4-203 of this Chapter, and (8) whether the person or a guardian has requested review as provided in Section 4-209 of this Chapter and, if so, the outcome of the review. The Secretary of the Department shall furnish a copy of each monthly report upon request to the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ and the agency designated by the Governor under Section 1 of "An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending certain Acts therein named", approved September 20, 1985, and under Section 1 of "An Act for the protection and advocacy of mentally ill persons", approved September 20, 1987.

(c) Nothing contained in this Chapter shall be construed to limit or otherwise affect the power of any developmental disabilities facility to determine the qualifications of persons permitted to admit clients to such facility. This subsection shall not affect or limit the powers of any court to order admission to a developmental disabilities facility as set forth in this Chapter.

(Source: P.A. 97-227, eff. 1-1-12.)

(405 ILCS 5/4-605) (from Ch. 91 1/2, par. 4-605)

Sec. 4-605. Every respondent alleged to meet the standard for judicial admission shall be represented by counsel. If the respondent is indigent or an appearance has not been entered on his behalf at the time the matter is set for hearing, the court shall appoint counsel for him. A hearing shall not proceed when a respondent is not represented by counsel unless, after conferring with counsel, the respondent requests to represent himself and the court is satisfied that the respondent has the capacity to make an informed waiver of his right to counsel. Counsel shall be allowed time for adequate preparation and shall not be prevented from conferring with the respondent at reasonable times nor from making an investigation of the matters in issue and presenting such relevant evidence as he believes is necessary.

1. If the court determines that the respondent is unable to obtain counsel, the court shall appoint as counsel an attorney employed by or under contract with the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, if available.

2. If an attorney from the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ is not available, the court shall appoint as counsel the public defender or, only if no public defender is available, an attorney licensed to practice law in this State.

3. Upon filing with the court of a verified statement of legal services rendered by the private attorney appointed pursuant to paragraph (2) of this Section, the court shall

determine a reasonable fee for such services. If the respondent is unable to pay the fee, the court shall enter an order upon the county to pay the entire fee or such amount as the respondent is unable to pay.

(Source: P.A. 85-1247.)

(405 ILCS 5/5-100) (from Ch. 91 1/2, par. 5-100)

Sec. 5-100. Written notice of the death of a recipient of services which occurs at a mental health or developmental disabilities facility, or the death of a recipient of services who has not been discharged from a mental health or developmental disabilities facility but whose death occurs elsewhere, shall within 10 days of the death of a recipient be mailed to the Department of Public Health which, for the primary purpose of monitoring patterns of abuse and neglect of recipients of services, shall make such notices available to the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ and to the agency designated by the Governor under Section 1 of "An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending Acts therein named", approved September 20, 1985. Such notice shall include the name of the recipient, the name and address of the facility at which the death occurred, the recipient's age, the nature of the recipient's condition, including any evidence of the previous injuries or disabilities, or relevant medical conditions or any other information which might be helpful in establishing the cause of death.

Written notice of the death of a recipient of services who was admitted by court order, and the cause thereof shall, in all cases, be mailed by the facility director to the court entering the original admission order, and if possible, to the same judge, and the time, place and alleged cause of such death shall be entered upon the docket. Such notice must be mailed within 10 days following the death of the recipient.

In the event of a sudden or mysterious death of any recipient of services at any public or private facility, a coroner's inquest shall be held as provided by law in other cases.

In cases where the deceased person was a recipient or client of any state facility, and the fees for holding an inquest cannot be collected out of his estate, such fees shall be paid by the Department.

(Source: P.A. 88-380.)

Section 10-100. The Alzheimer's Disease Assistance Act is amended by changing Section 6 as follows:

(410 ILCS 405/6) (from Ch. 111 1/2, par. 6956)

Sec. 6. Alzheimer's Disease Advisory Committee.

(a) There is created the Alzheimer's Disease Advisory Committee consisting of 17 voting members appointed by the

Director of the Department, as well as 5 nonvoting members as hereinafter provided in this Section. The Director or his designee shall serve as one of the 17 voting members and as the Chairman of the Committee. Those appointed as voting members shall include persons who are experienced in research and the delivery of services to individuals with Alzheimer's disease or a related disorder and their families. Such members shall include:

(1) one individual from a statewide association dedicated to Alzheimer's care, support, and research;

(2) one individual from a non-governmental statewide organization that advocates for seniors;

(3) the Dementia Coordinator of the Illinois Department of Public Health, or the Dementia Coordinator's designee;

(4) one individual representing the Community Care Program's Home and Community Services Division;

(5) one individual representing the Adult Protective Services Unit;

(6) 3 individuals from Alzheimer's Disease Assistance Centers;

(7) one individual from a statewide association representing an adult day service organization;

(8) one individual from a statewide association representing home care providers;

(9) one individual from a statewide trade organization

representing the interests of physicians licensed to practice medicine in all of its branches in Illinois;

(10) one individual representing long-term care facilities licensed under the Nursing Home Care Act, an assisted living establishment licensed under the Assisted Living and Shared Housing Act, or supportive living facilities;

(11) one individual from a statewide association representing the interests of social workers;

(12) one individual representing Area Agencies on Aging;

(13) the Medicaid Director of the Department of Healthcare and Family Services, or the Medicaid Director's designee;

(14) one individual from a statewide association representing health education and promotion and public health advocacy; and

(15) one individual with medical or academic experience with early onset Alzheimer's disease or related disorders.

(b) In addition to the 17 voting members, the Directors of the following State agencies or their designees who are qualified to represent each Department's programs and services for those with Alzheimer's disease or related disorders shall serve as nonvoting members: Department on Aging, Department of Healthcare and Family Services, Department of Public Health, Department of Human Services, and Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~.

Each voting member appointed by the Director of Public Health shall serve for a term of 2 years, and until his successor is appointed and qualified. Members of the Committee shall not be compensated but shall be reimbursed for expenses actually incurred in the performance of their duties. Vacancies shall be filled in the same manner as original appointments.

The Committee shall review all State programs and services provided by State agencies that are directed toward persons with Alzheimer's disease and related dementias, and by consensus recommend changes to improve the State's response to this serious health problem. Such recommendations shall be included in the State plan described in this Act.

(Source: P.A. 101-588, eff. 1-1-20.)

Section 10-103. The Vital Records Act is amended by changing Section 25.2 as follows:

(410 ILCS 535/25.2)

Sec. 25.2. Division ~~Office~~ of State Guardian birth record request.

(a) For purposes of this Section, an individual's status as a person under guardianship of ~~with~~ the Division ~~Office~~ of State Guardian may be verified with a copy of the court order placing the individual under the guardianship of the Division ~~Office~~ of State Guardian.

(b) The applicable fees under Section 17 for a new certificate of birth and under Section 25 for a search for a birth record or certified copy of a birth record shall be waived for requests made by the Division ~~Office~~ of State Guardian to the Office of the State Registrar of Vital Records in Springfield for an individual under guardianship of the Division ~~Office~~ of State Guardian, whose status is verified under subsection (a) of this Section.

(c) The State Registrar of Vital Records shall establish standards and procedures consistent with this Section for waiver of the applicable fees.

(d) An individual under guardianship shall be provided no more than 4 birth records annually under this Section.

(Source: P.A. 103-682, eff. 7-1-25.)

Section 10-105. The Clerks of Courts Act is amended by changing Section 27.3f as follows:

(705 ILCS 105/27.3f)

Sec. 27.3f. Guardianship and advocacy operations fee.

(a) As used in this Section, "guardianship and advocacy" means the guardianship and advocacy services provided by the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ and defined in the Guardianship and

Advocacy Act. Viable public guardianship and advocacy programs, including the public guardianship programs created and supervised in probate proceedings in the Illinois courts, are essential to the administration of justice and ensure that incapacitated persons and their estates are protected. To defray the expense of maintaining and operating the divisions and programs of the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ and to support viable guardianship and advocacy programs throughout Illinois, each circuit court clerk shall charge and collect a fee on all matters filed in probate cases in accordance with this Section, but no fees shall be assessed against the Division of State Guardian, any State agency under the jurisdiction of the Governor, any public guardian, or any State's Attorney.

(b) No fee specified in this Section shall be imposed in any minor guardianship established under Article XI of the Probate Act of 1975, or against an indigent person. An indigent person shall include any person who meets one or more of the following criteria:

(1) He or she is receiving assistance under one or more of the following public benefits programs: Supplemental Security Income (SSI), Aid to the Aged, Blind, and Disabled (AABD), Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamps), General Assistance, State Transitional Assistance, or State Children and Family

Assistance.

(2) His or her available income is 125% or less of the current poverty level as established by the United States Department of Health and Human Services, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are of a nature and value that the court determines that the applicant is able to pay the fees, costs, and charges.

(3) He or she is, in the discretion of the court, unable to proceed in an action without payment of fees, costs, and charges and whose payment of those fees, costs, and charges would result in substantial hardship to the person or his or her family.

(4) He or she is an indigent person pursuant to Section 5-105.5 of the Code of Civil Procedure, providing that an "indigent person" means a person whose income is 125% or less of the current official federal poverty guidelines or who is otherwise eligible to receive civil legal services under the Legal Services Corporation Act of 1974.

(c) The clerk is entitled to receive the fee specified in this Section, which shall be paid in advance, and managed by the clerk as set out in paragraph (2), except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this Section:

(1) For administration of the estate of a decedent

(whether testate or intestate) or of a missing person, a fee of $100.

(2) The guardianship and advocacy operations fee, as outlined in this Section, shall be in addition to all other fees and charges and assessable as costs. Five percent of the fee shall be retained by the clerk for deposit into the Circuit Court Clerk Operation and Administrative Fund to defray costs of collection and 95% of the fee shall be disbursed within 60 days after receipt by the circuit clerk to the State Treasurer for deposit by the State Treasurer into the Guardianship and Advocacy Fund.

(Source: P.A. 97-1093, eff. 1-1-13.)

Section 10-110. The Criminal Code of 2012 is amended by changing Section 12-9 as follows:

(720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

Sec. 12-9. Threatening public officials; human service providers.

(a) A person commits threatening a public official or human service provider when:

(1) that person knowingly delivers or conveys, directly or indirectly, to a public official or human service provider by any means a communication:

(i) containing a threat that would place the public official or human service provider or a member of his or her immediate family in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or

(ii) containing a threat that would place the public official or human service provider or a member of his or her immediate family in reasonable apprehension that damage will occur to property in the custody, care, or control of the public official or his or her immediate family; and

(2) the threat was conveyed because of the performance or nonperformance of some public duty or duty as a human service provider, because of hostility of the person making the threat toward the status or position of the public official or the human service provider, or because of any other factor related to the official's public existence.

(a-5) For purposes of a threat to a sworn law enforcement officer, the threat must contain specific facts indicative of a unique threat to the person, family or property of the officer and not a generalized threat of harm.

(a-6) For purposes of a threat to a social worker, caseworker, investigator, or human service provider, the threat must contain specific facts indicative of a unique threat to the person, family or property of the individual and not a generalized threat of harm.

(b) For purposes of this Section:

(1) "Public official" means a person who is elected to office in accordance with a statute or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions or in the case of an elective office any person who has filed the required documents for nomination or election to such office. "Public official" includes a duly appointed assistant State's Attorney, assistant Attorney General, or Appellate Prosecutor; a sworn law enforcement or peace officer; a social worker, caseworker, attorney, or investigator employed by the Department of Healthcare and Family Services, the Department of Human Services, the Department of Children and Family Services, or the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~; or an assistant public guardian, attorney, social worker, case manager, or investigator employed by a duly appointed public guardian.

(1.5) "Human service provider" means a social worker, case worker, or investigator employed by an agency or organization providing social work, case work, or investigative services under a contract with or a grant from the Department of Human Services, the Department of Children and Family Services, the Department of Healthcare and Family Services, or the Department on Aging.

(2) "Immediate family" means a public official's spouse or child or children.

(c) Threatening a public official or human service provider is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense.

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

Section 10-115. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Sections 4, 8, and 8.1 as follows:

(740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

Sec. 4. (a) The following persons shall be entitled, upon request, to inspect and copy a recipient's record or any part thereof:

(1) the parent or guardian of a recipient who is under 12 years of age;

(2) the recipient if he is 12 years of age or older;

(3) the parent or guardian of a recipient who is at least 12 but under 18 years, if the recipient is informed and does not object or if the therapist does not find that there are compelling reasons for denying the access. The parent or guardian who is denied access by either the recipient or the therapist may petition a court for access to the record. Nothing in this paragraph is intended to prohibit the parent or guardian of a recipient who is at

least 12 but under 18 years from requesting and receiving the following information: current physical and mental condition, diagnosis, treatment needs, services provided, and services needed, including medication, if any;

(3.5) the parent or guardian of a minor, regardless of the minor's age, if the minor is involved in special education services under Section 14-1.11 of the School Code, and only for the purpose of inspecting and copying a record of the specific mental health or developmental services that the parent or guardian consented to on the recipient's behalf for special education services; or the designated representative of a student over the age of 18 involved in special education services under Section 14-6.10 of the School Code;

(4) the guardian of a recipient who is 18 years or older;

(5) an attorney or guardian ad litem who represents a minor 12 years of age or older in any judicial or administrative proceeding, provided that the court or administrative hearing officer has entered an order granting the attorney this right;

(6) an agent appointed under a recipient's power of attorney for health care or for property, when the power of attorney authorizes the access;

(7) an attorney-in-fact appointed under the Mental Health Treatment Preference Declaration Act; or

(8) any person in whose care and custody the recipient has been placed pursuant to Section 3-811 of the Mental Health and Developmental Disabilities Code.

(b) Assistance in interpreting the record may be provided without charge and shall be provided if the person inspecting the record is under 18 years of age. However, access may in no way be denied or limited if the person inspecting the record refuses the assistance. A reasonable fee may be charged for duplication of a record. However, when requested to do so in writing by any indigent recipient, the custodian of the records shall provide at no charge to the recipient, or to the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, the agency designated by the Governor under Section 1 of the Protection and Advocacy for Persons with Developmental Disabilities Act or to any other not-for-profit agency whose primary purpose is to provide free legal services or advocacy for the indigent and who has received written authorization from the recipient under Section 5 of this Act to receive his records, one copy of any records in its possession whose disclosure is authorized under this Act.

(c) Any person entitled to access to a record under this Section may submit a written statement concerning any disputed or new information, which statement shall be entered into the record. Whenever any disputed part of a record is disclosed, any submitted statement relating thereto shall accompany the disclosed part. Additionally, any person entitled to access may request modification of any part of the record which he believes is incorrect or misleading. If the request is refused, the person may seek a court order to compel modification.

(d) Whenever access or modification is requested, the request and any action taken thereon shall be noted in the recipient's record.

(e) Nothing in this Section shall be construed to affect the protection of or access to records under the Illinois School Student Records Act or the federal Individuals with Disabilities Education Act.

(Source: P.A. 103-474, eff. 1-1-24; 104-263, eff. 1-1-26.)

(740 ILCS 110/8) (from Ch. 91 1/2, par. 808)

Sec. 8. In the course of an investigation, or in the course of monitoring issues concerning the rights of recipients or the services provided to recipients as authorized by subsection (l) of Section 5 of the Guardianship and Advocacy Act, the Division of Disability Rights and Protections ~~a regional human rights authority~~ of the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ created by the Guardianship and Advocacy Act may inspect and copy any recipient's records in the possession of a therapist, agency, department, ~~Department~~ or facility which provides services to a recipient, including reports of suspected abuse or neglect of a recipient and information regarding the disposition of such reports. However, the Division of Disability Rights and Protections ~~a regional authority~~ may not inspect or copy records containing personally identifiable data which cannot be removed without imposing an unreasonable burden on the therapist, agency, department, ~~Department~~ or facility which provides services, except as provided herein. The Division of Disability Rights and Protections ~~regional authority~~ shall give written notice to the person entitled to give consent for the identifiable recipient of services under Section 4 that it is conducting an investigation or monitoring and indicating the nature and purpose of the investigation or monitoring and the need to inspect and copy the recipient's record. If the person notified objects in writing to such inspection and copying, the Division of Disability Rights and Protections ~~regional authority~~ may not inspect or copy the record. The therapist, agency, department, ~~Department~~ or facility which provides services may not object on behalf of a recipient.

(Source: P.A. 86-820; 86-1013; 86-1475.)

(740 ILCS 110/8.1) (from Ch. 91 1/2, par. 808.1)

Sec. 8.1. The agency designated by the Governor under Section 1 of "An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending Acts therein named", approved September 20, 1985, as now or hereafter amended, shall have access, for the purpose of inspection and copying, to the records of a person with developmental disabilities who resides in a developmental disability facility or mental health facility, as defined in Sections 1-107 and 1-114, respectively, of the Mental Health and Developmental Disabilities Code, as now or hereafter amended, if (a) a complaint is received by such agency from or on behalf of the person with a developmental disability, and (b) such person does not have a guardian of the person or the State or the designee of the State is his or her guardian of the person. The designated agency shall provide written notice of the receipt of a complaint to the custodian of the records of the person from whom or on whose behalf a complaint is received. The designated agency shall provide to the person with developmental disabilities and to the Division of ~~his or her~~ State Guardian ~~guardian~~, if appointed, written notice of the nature of the complaint based upon which the designated agency has gained access to the records. No record or the contents of any record shall be redisclosed by the designated agency unless the person with developmental disabilities and the Division of State Guardian ~~guardian~~ are provided 7 days advance written notice, except in emergency situations, of the designated agency's intent to redisclose such record, during which time the person with developmental disabilities or the Division of State Guardian ~~guardian~~ may seek to judicially enjoin the designated agency's redisclosure of such record on the grounds that such redisclosure is contrary to the interests of the person with developmental disabilities. If a person with developmental disabilities resides in a developmental disability or mental health facility and has a guardian other than the State or the designee of the State, the facility director shall disclose the guardian's name, address and telephone number to the designated agency at the agency's request.

Upon written request and after the provision of written notice to the agency, facility or other body from which records and other materials are sought of the designated agency's investigation of problems affecting numbers of persons with developmental disabilities, the designated agency shall be entitled to inspect and copy any records or other materials which may further the agency's investigation of problems affecting numbers of persons with developmental disabilities. When required by law any personally identifiable information of persons with developmental disabilities shall be removed from the records. However, the designated agency may not inspect or copy records or other materials when the removal of personally identifiable information imposes an unreasonable burden on mental health and developmental disabilities facilities.

For the purposes of this Section, "developmental disability" means a severe, chronic disability of a person which -

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is manifested before the person attains age 22;

(C) is likely to continue indefinitely;

(D) results in substantial functional limitations in 3 or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and

(E) reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated.

(Source: P.A. 88-380.)

Section 10-120. The Adoption Act is amended by changing Section 13 as follows:

(750 ILCS 50/13) (from Ch. 40, par. 1516)

Sec. 13. Interim order. As soon as practicable after the filing of a petition for adoption the court shall hold a hearing for the following purposes:

A. In other than an adoption of a related child or an adoption through an agency, or of an adult:

(a) To determine the validity of the consent, provided that the execution of a consent pursuant to this Act shall be prima facie evidence of its validity, and provided that the validity of a consent shall not be affected by the omission therefrom of the names of the petitioners or adopting parents at the time the consent is executed or acknowledged, and further provided that the execution of a consent prior to the filing of a petition for adoption shall not affect its validity.

(b) To determine whether there is available suitable temporary custodial care for a child sought to be adopted.

B. In all cases except standby adoptions and re-adoptions:

(a) The court shall appoint some licensed attorney other than the State's attorney acting in his or her official capacity as guardian ad litem to represent a child sought to be adopted. Such guardian ad litem shall have power to consent to the adoption of the child, if such consent is required. In the case of a related adoption where the child sought to be adopted is not a youth in care, the court shall have the discretion to waive the appointment of a guardian ad litem.

(b) The court shall appoint a guardian ad litem for all named minors or defendants who are persons under legal disability, if any. In the case of a related adoption where the child sought to be adopted is not a youth in care, the court shall have the discretion to waive the appointment of a guardian ad litem.

(c) If the petition alleges a person to be unfit pursuant to the provisions of subparagraph (p) of paragraph D of Section 1 of this Act, such person shall be represented by counsel. If such person is indigent or an appearance has not been entered on his behalf at the time the matter is set for hearing, the court shall appoint as counsel for him either the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, the public defender, or, only if no attorney from the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ or the public defender is available, an attorney licensed to practice law in this State.

(d) If it is proved to the satisfaction of the court, after such investigation as the court deems necessary, that termination of parental rights and temporary commitment of the child to an agency or to a person deemed competent by the court, including petitioners, will be for the welfare of the child, the court may order the child to be so committed and may terminate the parental rights of the parents and declare the child a ward of the court or, if it is not so proved, the court may enter such other order as it shall deem necessary and advisable.

(e) Before an interim custody order is granted under this Section, service of summons shall be had upon the parent or parents whose rights have not been terminated, except as provided in subsection (f). Reasonable notice and opportunity to be heard shall be given to the parent or parents after service of summons when the address of the parent or parents is available. The party seeking an interim custody order shall make all reasonable efforts to locate the parent or parents of the child or children they are seeking to adopt and to notify the parent or parents of the party's request for an interim custody order pursuant to this Section.

(f) An interim custody order may be granted without notice upon presentation to the court of a written petition, accompanied by an affidavit, stating that there is an immediate danger to the child and that irreparable harm will result to the child if notice is given to the parent or parents or legal guardian. Upon making a finding that there is an immediate danger to the child if service of process is had upon and notice of hearing is given to the parent or parents or legal guardian prior to the entry of an order granting temporary custody to someone other than a parent or legal guardian, the court may enter an order of temporary custody which shall expire not more than 10 days after its entry. Every ex parte custody order granted without notice shall state the injury which the court sought to avoid by granting the order, the irreparable injury that would have occurred had notice been given, and the reason the order was granted without notice. The matter shall be set down for full hearing before the expiration of the ex parte order and will be heard after service of summons is had upon and notice of hearing is given to the parent or parents or legal guardian. At the hearing the burden of proof shall be upon the party seeking to extend the interim custody order to show that the order was properly granted without notice and that custody should remain with the party seeking to adopt during the pendency of the adoption proceeding. If the interim custody order is extended, the reasons for granting the extension shall be stated in the order.

C. In the case of a child born outside the United States or a territory thereof, if the petitioners have previously been appointed guardians of such child by a court of competent jurisdiction in a country other than the United States or a territory thereof, the court may order that the petitioners continue as guardians of such child.

D. In standby adoption cases:

(a) The court shall appoint a licensed attorney other than the State's Attorney acting in his or her official capacity as guardian ad litem to represent a child sought to be adopted. The guardian ad litem shall have power to consent to the adoption of the child, if consent is required.

(b) The court shall appoint a guardian ad litem for all named minors or defendants who are persons under legal disability, if any. In the case of a related adoption where the child sought to be adopted is not a youth in care, the court shall have the discretion to waive the appointment of a guardian ad litem.

(c) The court lacks jurisdiction to proceed on the petition for standby adoption if the child has a living parent, adoptive parent, or adjudicated parent whose rights have not been terminated and whose whereabouts are known, unless the parent consents to the standby adoption or, after receiving notice of the hearing on the standby adoption petition, fails to object to the appointment of a standby adoptive parent at the hearing on the petition.

(d) The court shall investigate as needed for the welfare of the child and shall determine whether the petitioner or petitioners shall be permitted to adopt.

(Source: P.A. 102-139, eff. 1-1-22.)

Section 10-125. The Probate Act of 1975 is amended by changing Sections 11a-3.1, 11a-3.2, 11a-5, 11a-5.1, 11a-8.1, 11a-9, 11a-12, 11a-13, 11a-14.1, 11a-17, 12-4, 13-1, and 13-1.2 as follows:

(755 ILCS 5/11a-3.1)

Sec. 11a-3.1. Appointment of standby guardian.

(a) The guardian of a person with a disability may designate in any writing, including a will, a person qualified to act under Section 11a-5 to be appointed as standby guardian of the person or estate, or both, of the person with a disability. The guardian may designate in any writing, including a will, a person qualified to act under Section 11a-5 to be appointed as successor standby guardian of the person or estate of the person with a disability, or both. The designation must be witnessed by 2 or more credible witnesses at least 18 years of age, neither of whom is the person designated as the standby guardian. The designation may be proved by any competent evidence. If the designation is executed and attested in the same manner as a will, it shall have prima facie validity. Prior to designating a proposed standby guardian, the guardian shall consult with the person with a disability to determine the preference of the person with a disability as to the person who will serve as standby guardian. The guardian shall give due consideration to the preference of the person with a disability in selecting a standby guardian.

(b) Upon the filing of a petition for the appointment of a standby guardian, the court may appoint a standby guardian of the person or estate, or both, of the person with a disability as the court finds to be in the best interests of the person with a disability. The court shall apply the same standards used in determining the suitability of a plenary or limited guardian in determining the suitability of a standby guardian, giving due consideration to the preference of the person with a disability as to a standby guardian. The court may not appoint the <u>Division</u> ~~Office~~ of State Guardian, pursuant to

Section 30 of the Guardianship and Advocacy Act, or a public guardian, pursuant to Section 13-5 of this Act, as a standby guardian, without the written consent of the Division of State Guardian or public guardian or an authorized representative of the Division of State Guardian or public guardian.

(c) The standby guardian shall take and file an oath or affirmation that the standby guardian will faithfully discharge the duties of the office of standby guardian according to law, and shall file in and have approved by the court a bond binding the standby guardian so to do, but shall not be required to file a bond until the standby guardian assumes all duties as guardian of the person with a disability under Section 11a-18.2.

(d) The designation of a standby guardian may, but need not, be in the following form:

DESIGNATION OF STANDBY GUARDIAN

[IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

A standby guardian is someone who has been appointed by the court as the person who will act as guardian of the person with a disability when the guardian of the person with a disability dies or is no longer willing or able to make and carry out day-to-day care decisions concerning the person with a disability. By properly completing this form, a guardian is naming the person that the guardian wants to be appointed as the standby guardian of the person with a disability. Signing the form does not appoint the standby guardian; to be appointed, a petition must be filed in and approved by the court.]

1. Guardian and Ward. I, (insert name of designating guardian), currently residing at (insert address of designating guardian), am the guardian of the following person with a disability: (insert name of ward).

2. Standby Guardian. I hereby designate the following person to be appointed as standby guardian for my ward listed above: (insert name and address of person designated).

3. Successor Standby Guardian. If the person named in item 2 above cannot or will not act as standby guardian, I designate the following person to be appointed as successor standby guardian for my ward: (insert name and address of person designated).

4. Date and Signature. This designation is made this (insert day) day of (insert month and year).

Signed: (designating guardian)

5. Witnesses. I saw the guardian sign this designation or the guardian told me that the guardian signed this designation. Then I signed the designation as a witness in the presence of the guardian. I am not designated in this instrument to act as a standby guardian for the guardian's ward. (insert space for names, addresses, and signatures of 2 witnesses)

[END OF FORM]

(Source: P.A. 102-72, eff. 1-1-22.)

(755 ILCS 5/11a-3.2)

Sec. 11a-3.2. Short-term guardian.

(a) The guardian of a person with a disability may appoint in writing, without court approval, a short-term guardian of the person with a disability to take over the guardian's duties, to the extent provided in Section 11a-18.3, each time the guardian is unavailable or unable to carry out those duties. The guardian shall consult with the person with a disability to determine the preference of the person with a disability concerning the person to be appointed as short-term guardian and the guardian shall give due consideration to the preference of the person with a disability in choosing a short-term guardian. The written instrument appointing a short-term guardian shall be dated and shall identify the appointing guardian, the person with a disability, the person appointed to be the short-term guardian, and the termination date of the appointment. The written instrument shall be signed by, or at the direction of, the appointing guardian in the presence of at least 2 credible witnesses at least 18 years of age, neither of whom is the person appointed as the short-term guardian. The person appointed as the short-term guardian shall also sign the written instrument, but need not sign at the same time as the appointing guardian. A guardian may not appoint the Division ~~Office~~ of State Guardian or a public guardian as a short-term guardian, without the written consent of the Division of State Guardian or public guardian or an authorized representative of the State Guardian or public guardian.

(b) The appointment of the short-term guardian is effective immediately upon the date the written instrument is executed, unless the written instrument provides for the appointment to become effective upon a later specified date or event. A short-term guardian appointed by the guardian shall have authority to act as guardian of the person with a disability for a cumulative total of 60 days during any 12-month period. Only one written instrument appointing a short-term guardian may be in force at any given time.

(c) Every appointment of a short-term guardian may be amended or revoked by the appointing guardian at any time and in any manner communicated to the short-term guardian or to any other person. Any person other than the short-term guardian to whom a revocation or amendment is communicated or delivered shall make all reasonable efforts to inform the short-term guardian of that fact as promptly as possible.

(d) The appointment of a short-term guardian or successor short-term guardian does not affect the rights in the person with a disability of any guardian other than the appointing guardian.

(e) The written instrument appointing a short-term guardian may, but need not, be in the following form:

APPOINTMENT OF SHORT-TERM GUARDIAN

[IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

By properly completing this form, a guardian is appointing a short-term guardian of the person with a disability for a cumulative total of up to 60 days during any 12-month period. A separate form shall be completed each time a short-term guardian takes over guardianship duties. The person or persons appointed as the short-term guardian shall sign the form, but need not do so at the same time as the guardian.]

1. Guardian and Ward. I, (insert name of appointing guardian), currently residing at (insert address of appointing guardian), am the guardian of the following person with a disability: (insert name of ward).

2. Short-term Guardian. I hereby appoint the following person as the short-term guardian for my ward: (insert name and address of appointed person).

3. Effective date. This appointment becomes effective: (check one if you wish it to be applicable)

( ) On the date that I state in writing that I am no longer either willing or able to make and carry out day-to-day care decisions concerning my ward.

( ) On the date that a physician familiar with my condition certifies in writing that I am no longer willing or able to make and carry out day-to-day care decisions concerning my ward.

( ) On the date that I am admitted as an in-patient to a hospital or other health care institution.

( ) On the following date: (insert date).

( ) Other: (insert other).

[NOTE: If this item is not completed, the appointment is effective immediately upon the date the form is signed and dated below.]

4. Termination. This appointment shall terminate on: (enter a date corresponding to 60 days from the current date, less the number of days within the past 12 months that any short-term guardian has taken over guardianship duties), unless it terminates sooner as determined by the event or date I have indicated below: (check one if you wish it to be applicable)

( ) On the date that I state in writing that I am willing and able to make and carry out day-to-day care decisions concerning my ward.

( ) On the date that a physician familiar with my condition certifies in writing that I am willing and able to make and carry out day-to-day care decisions concerning my ward.

( ) On the date that I am discharged from the hospital or other health care institution where I was admitted as an in-patient, which established the effective date.

( ) On the date which is (state a number of days) days after the effective date.

( ) Other: (insert other).

[NOTE: If this item is not completed, the appointment will be effective until the 60th day within the past year during which time any short-term guardian of this ward had taken over guardianship duties from the guardian, beginning on the effective date.]

5. Date and signature of appointing guardian. This appointment is made this (insert day) day of (insert month and year).

Signed: (appointing guardian)

6. Witnesses. I saw the guardian sign this instrument or I saw the guardian direct someone to sign this instrument for the guardian. Then I signed this instrument as a witness in the presence of the guardian. I am not appointed in this instrument to act as the short-term guardian for the guardian's ward. (insert space for names, addresses, and signatures of 2 witnesses)

7. Acceptance of short-term guardian. I accept this appointment as short-term guardian on this (insert day) day of (insert month and year).

Signed: (short-term guardian)

[END OF FORM]

(f) Each time the guardian appoints a short-term guardian, the guardian shall: (i) provide the person with a disability with the name, address, and telephone number of the short-term guardian; (ii) advise the person with a disability that he has the right to object to the appointment of the short-term guardian by filing a petition in court; and (iii) notify the person with a disability when the short-term guardian will be taking over guardianship duties and the length of time that the short-term guardian will be acting as guardian.

(Source: P.A. 102-72, eff. 1-1-22.)

(755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)

Sec. 11a-5. Who may act as guardian.

(a) A person is qualified to act as guardian of the person and as guardian of the estate of a person with a disability if the court finds that the proposed guardian is capable of providing an active and suitable program of guardianship for the person with a disability and that the proposed guardian:

(1) has attained the age of 18 years;

(2) is a resident of the United States;

(3) is not of unsound mind;

(4) is not an adjudged person with a disability as defined in this Act; and

(5) has not been convicted of a felony, unless the court finds appointment of the person convicted of a felony to be in the best interests of the person with a disability, and as part of the best interests determination, the court has considered the nature of the offense, the date of offense, and the evidence of the

proposed guardian's rehabilitation. No person shall be appointed who has been convicted of a felony involving harm or threat to a minor or an elderly person or a person with a disability, including a felony sexual offense.

(b) Any public agency, or not-for-profit corporation found capable by the court of providing an active and suitable program of guardianship for the person with a disability, taking into consideration the nature of such person's disability and the nature of such organization's services, may be appointed guardian of the person or of the estate, or both, of the person with a disability. The court shall not appoint as guardian an agency or employee of an agency that is directly providing residential services to the ward. One person or agency may be appointed guardian of the person and another person or agency appointed guardian of the estate.

(b-5)(1) The court may appoint separate individuals or entities to act as the guardian of the person and the guardian of the estate of a person with a disability if the court finds it is in the best interests of the person with a disability that separate guardians be appointed. The court shall not appoint a separate person or entity to act as guardian of the person or guardian of the estate with a public guardian or the Division ~~Office~~ of State Guardian unless the public guardian or the Division ~~Office~~ of State Guardian agrees to such an appointment.

(2) The court may appoint co-guardians to act as guardian

of the person, guardian of the estate, or both the guardian of the person and the guardian of the estate if the court finds it is in the best interests of the person with a disability. When considering appointing co-guardians, the court shall consider the proposed co-guardians' history of cooperating and working together on behalf of the person with a disability. The court shall appoint only co-guardians who agree to serve together. The court shall not appoint a public guardian or the Division ~~Office~~ of State Guardian as a co-guardian for a person with a disability.

(c) Any corporation qualified to accept and execute trusts in this State may be appointed guardian or limited guardian of the estate of a person with a disability.

(Source: P.A. 102-72, eff. 1-1-22.)

(755 ILCS 5/11a-5.1)

Sec. 11a-5.1. Multiple guardianships. The court may not appoint an individual the guardian of the person or estate of an adult with disabilities before the individual has disclosed to the court the number of adults with disabilities over which the individual is currently appointed as guardian. If the court determines that an individual is appointed guardian over more than 5 adults with disabilities, then the court shall issue an order directing the circuit court clerk to notify the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~, in a form and manner prescribed by the

Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~. The clerk shall notify the Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ no later than 7 days after the entry of the order. The Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ shall maintain a list of all notifications it receives under this Section for reference by other agencies or units of government or the public. This Section does not apply to the Division ~~Office~~ of ~~the~~ State Guardian or a public guardian.

(Source: P.A. 100-659, eff. 1-1-19.)

(755 ILCS 5/11a-8.1)

Sec. 11a-8.1. Petition for standby guardian of the person with a disability. The petition for appointment of a standby guardian of the person or the estate, or both, of a person with a disability must state, if known: (a) the name, date of birth, and residence of the person with a disability; (b) the names and post office addresses of the nearest relatives of the person with a disability in the following order: (1) the spouse and adult children, parents and adult brothers and sisters, if any; if none, (2) nearest adult kindred known to the petitioner; (c) the name and post office address of the person having guardianship of the person with a disability, and of any person or persons acting as agents of the person with a disability under the Illinois Power of Attorney Act;

(d) the name, post office address, and, in case of any individual, the age and occupation of the proposed standby guardian; (e) the preference of the person with a disability as to the choice of standby guardian; (f) the facts concerning the consent of the guardian of the person with a disability to the appointment of the standby guardian, or the willingness and ability of the guardian of the person with a disability to make and carry out day-to-day care decisions concerning the person with a disability; (g) the facts concerning the execution or admission to probate of the written designation of the standby guardian, if any, a copy of which shall be attached to or filed with the petition; (h) the facts concerning any guardianship court actions pending concerning the person with a disability; and (i) the facts concerning the willingness of the proposed standby guardian to serve, and in the case of the Division ~~Office~~ of State Guardian and any public guardian, evidence of a written acceptance to serve signed by the Division of State Guardian or public guardian or an authorized representative of the Division of State Guardian or public guardian, consistent with subsection (b) of Section 11a-3.1.

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

(755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)

Sec. 11a-9. Report.

(a) The petition for adjudication of disability and for appointment of a guardian should be accompanied by a report which contains (1) a description of the nature and type of the respondent's disability and an assessment of how the disability impacts on the ability of the respondent to make decisions or to function independently; (2) an analysis and results of evaluations of the respondent's mental and physical condition and, where appropriate, educational condition, adaptive behavior and social skills, which have been performed within 3 months of the date of the filing of the petition, or, in the case of an intellectual disability, a psychological evaluation of the respondent that has been performed by a clinical psychologist licensed under the Clinical Psychologist Licensing Act, within one year of the date of the filing of the petition; (3) an opinion as to whether guardianship is needed, the type and scope of the guardianship needed, and the reasons therefor; (4) a recommendation as to the most suitable living arrangement and, where appropriate, treatment or habilitation plan for the respondent and the reasons therefor; (5) the name, business address, business telephone number, and signatures of all persons who performed the evaluations upon which the report is based, one of whom shall be a licensed physician, or may, in the case of an intellectual disability, be a clinical psychologist licensed under the Clinical Psychologist Licensing Act, and a statement of the certification, license, or other credentials that qualify the evaluators who prepared the report.

(b) If for any reason no report accompanies the petition, the court shall order appropriate evaluations to be performed by a qualified person or persons and a report prepared and filed with the court at least 10 days prior to the hearing.

(b-5) Upon oral or written motion by the respondent or the guardian ad litem or upon the court's own motion, the court shall appoint one or more independent experts to examine the respondent. Upon the filing with the court of a verified statement of services rendered by the expert or experts, the court shall determine a reasonable fee for the services performed. If the respondent is unable to pay the fee, the court may enter an order upon the petitioner to pay the entire fee or such amount as the respondent is unable to pay. However, in cases where the Division ~~Office~~ of State Guardian is the petitioner, consistent with Section 30 of the Guardianship and Advocacy Act, no expert services fees shall be assessed against the Division ~~Office~~ of ~~the~~ State Guardian.

(c) Unless the court otherwise directs, any report prepared pursuant to this Section shall not be made part of the public record of the proceedings but shall be available to the court or an appellate court in which the proceedings are subject to review, to the respondent, the petitioner, the guardian, and their attorneys, to the respondent's guardian ad litem, and to such other persons as the court may direct.

Accessibility to a report prepared pursuant to this Section shall be in accordance with Section 5 of the Court

Record and Document Accessibility Act.
(Source: P.A. 102-109, eff. 1-1-22; 103-166, eff. 1-1-24.)

(755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

Sec. 11a-12. Order of appointment.

(a) If basis for the appointment of a guardian as specified in Section 11a-3 is not found, the court shall dismiss the petition.

(b) If the respondent is adjudged to be a person with a disability and to lack some but not all of the capacity as specified in Section 11a-3, and if the court finds that guardianship is necessary for the protection of the person with a disability, his or her estate, or both, the court shall appoint a limited guardian for the respondent's person or estate or both. The court shall enter a written order stating the factual basis for its findings and specifying the duties and powers of the guardian and the legal disabilities to which the respondent is subject.

(c) If the respondent is adjudged to be a person with a disability and to be totally without capacity as specified in Section 11a-3, and if the court finds that limited guardianship will not provide sufficient protection for the person with a disability, his or her estate, or both, the court shall appoint a plenary guardian for the respondent's person or estate or both. The court shall enter a written order stating the factual basis for its findings.

(d) The selection of the guardian shall be in the discretion of the court, which shall give due consideration to the preference of the person with a disability as to a guardian, as well as the qualifications of the proposed guardian, in making its appointment. However, the paramount concern in the selection of the guardian is the best interests and well-being of the person with a disability.

One person or agency may be appointed a limited or plenary guardian of the person and another person or corporate trustee appointed as a limited or plenary guardian of the estate. If different persons are appointed, the court shall consider the factors set forth in subsection (b-5) of Section 11a-5. The court shall enter a written order stating the factual basis for its findings.

(e) The order of appointment of a guardian shall include the requirement that the guardian complete the training program as provided in Section 33.5 of the Guardianship and Advocacy Act that outlines the responsibilities of the guardian of the person and the rights of the person under guardianship and file with the court a certificate of completion within one year from the date of issuance of the letters of guardianship, except that: (1) the chief judge of any circuit may order implementation of another training program by a suitable provider containing substantially similar content; (2) employees of the Division ~~Office~~ of ~~the~~ State Guardian, public guardians, attorneys currently

authorized to practice law, corporate fiduciaries, and persons certified by the Center for Guardianship Certification are exempt from this training requirement; and (3) the court may, for good cause shown, exempt from this requirement an individual not otherwise listed in item (2). For the purposes of this subsection (e), good cause may be proven by affidavit. If the court finds good cause to exempt an individual from the training requirement, the order of appointment shall so state.
(Source: P.A. 104-237, eff. 1-1-26.)

(755 ILCS 5/11a-13) (from Ch. 110 1/2, par. 11a-13)

Sec. 11a-13. Costs in certain cases.)

(a) No costs may be taxed or charged by any public officer in any proceeding for the appointment of a guardian or for any subsequent proceeding or report made in pursuance of the appointment when the primary purpose of the appointment is as set forth in Section 11-11 or is the management of the estate of a person with a mental disability who resides in a state mental health or developmental disabilities facility when the value of the personal estate does not exceed $1,000.

(b) No costs shall be taxed or charged against the Division ~~Office~~ of ~~the~~ State Guardian by any public officer in any proceeding for the appointment of a guardian or for any subsequent proceeding or report made in pursuance of the appointment.
(Source: P.A. 99-143, eff. 7-27-15.)

(755 ILCS 5/11a-14.1) (from Ch. 110 1/2, par. 11a-14.1)

Sec. 11a-14.1. Residential placement.) No guardian appointed under this Article, except for duly appointed Public Guardians and the Division ~~Office~~ of State Guardian, shall have the power, unless specified by court order, to place his ward in a residential facility. The guardianship order may specify the conditions on which the guardian may admit the ward to a residential facility without further court order. In making residential placement decisions, the guardian shall make decisions in conformity with the preferences of the ward unless the guardian is reasonably certain that the decisions will result in substantial harm to the ward or to the ward's estate. When the preferences of the ward cannot be ascertained or where they will result in substantial harm to the ward or to the ward's estate, the guardian shall make decisions with respect to the ward's placement which are in the best interests of the ward. The guardian shall not remove the ward from his or her home or separate the ward from family and friends unless such removal is necessary to prevent substantial harm to the ward or to the ward's estate. The guardian shall have a duty to investigate the availability of reasonable residential alternatives. The guardian shall monitor the placement of the ward on an on-going basis to ensure its continued appropriateness, and shall pursue appropriate alternatives as needed.

(Source: P.A. 90-250, eff. 7-29-97.)

(755 ILCS 5/11a-17) (from Ch. 110 1/2, par. 11a-17)

Sec. 11a-17. Duties of personal guardian.

(a) To the extent ordered by the court and under the direction of the court, the guardian of the person shall have custody of the ward and the ward's minor and adult dependent children and shall procure for them and shall make provision for their support, care, comfort, health, education and maintenance, and professional services as are appropriate, but the ward's spouse may not be deprived of the custody and education of the ward's minor and adult dependent children, without the consent of the spouse, unless the court finds that the spouse is not a fit and competent person to have that custody and education. The guardian shall assist the ward in the development of maximum self-reliance and independence. The guardian of the person may petition the court for an order directing the guardian of the estate to pay an amount periodically for the provision of the services specified by the court order. If the ward's estate is insufficient to provide for education and the guardian of the ward's person fails to provide education, the court may award the custody of the ward to some other person for the purpose of providing education. If a person makes a settlement upon or provision for the support or education of a ward, the court may make an order for the visitation of the ward by the person making the settlement or provision as the court deems proper. A guardian of the person may not admit a ward to a mental health facility except at the ward's request as provided in Article IV of the Mental Health and Developmental Disabilities Code and unless the ward has the capacity to consent to such admission as provided in Article IV of the Mental Health and Developmental Disabilities Code.

(a-3) If a guardian of an estate has not been appointed, the guardian of the person may, without an order of court, open, maintain, and transfer funds to an ABLE account on behalf of the ward and the ward's minor and adult dependent children as specified under Section 16.6 of the State Treasurer Act.

(a-5) If the ward filed a petition for dissolution of marriage under the Illinois Marriage and Dissolution of Marriage Act before the ward was adjudicated a person with a disability under this Article, the guardian of the ward's person and estate may maintain that action for dissolution of marriage on behalf of the ward. Upon petition by the guardian of the ward's person or estate, the court may authorize and direct a guardian of the ward's person or estate to file a petition for dissolution of marriage or to file a petition for legal separation or declaration of invalidity of marriage under the Illinois Marriage and Dissolution of Marriage Act on behalf of the ward if the court finds by clear and convincing evidence that the relief sought is in the ward's best interests. In making its determination, the court shall consider the standards set forth in subsection (e) of this Section.

(a-10) Upon petition by the guardian of the ward's person or estate, the court may authorize and direct a guardian of the ward's person or estate to consent, on behalf of the ward, to the ward's marriage pursuant to Part II of the Illinois Marriage and Dissolution of Marriage Act if the court finds by clear and convincing evidence that the marriage is in the ward's best interests. In making its determination, the court shall consider the standards set forth in subsection (e) of this Section. Upon presentation of a court order authorizing and directing a guardian of the ward's person and estate to consent to the ward's marriage, the county clerk shall accept the guardian's application, appearance, and signature on behalf of the ward for purposes of issuing a license to marry under Section 203 of the Illinois Marriage and Dissolution of Marriage Act.

(b) If the court directs, the guardian of the person shall file with the court at intervals indicated by the court, a report that shall state briefly: (1) the current mental, physical, and social condition of the ward and the ward's minor and adult dependent children; (2) their present living arrangement, and a description and the address of every residence where they lived during the reporting period and the length of stay at each place; (3) a summary of the medical, educational, vocational, and other professional services given to them; (4) a resume of the guardian's visits with and activities on behalf of the ward and the ward's minor and adult dependent children; (5) a recommendation as to the need for continued guardianship; (6) any other information requested by the court or useful in the opinion of the guardian. The Division ~~Office~~ of ~~the~~ State Guardian shall assist the guardian in filing the report when requested by the guardian. The court may take such action as it deems appropriate pursuant to the report.

(c) Absent court order pursuant to the Illinois Power of Attorney Act directing a guardian to exercise powers of the principal under an agency that survives disability, the guardian has no power, duty, or liability with respect to any personal or health care matters covered by the agency. This subsection (c) applies to all agencies, whenever and wherever executed.

(d) A guardian acting as a surrogate decision maker under the Health Care Surrogate Act shall have all the rights of a surrogate under that Act without court order including the right to make medical treatment decisions such as decisions to forgo or withdraw life-sustaining treatment. Any decisions by the guardian to forgo or withdraw life-sustaining treatment that are not authorized under the Health Care Surrogate Act shall require a court order. Nothing in this Section shall prevent an agent acting under a power of attorney for health care from exercising his or her authority under the Illinois Power of Attorney Act without further court order, unless a court has acted under Section 2-10 of the Illinois Power of Attorney Act. If a guardian is also a health care agent for the ward under a valid power of attorney for health care, the guardian acting as agent may execute his or her authority under that act without further court order.

(e) Decisions made by a guardian on behalf of a ward shall be made in accordance with the following standards for decision making. The guardian shall consider the ward's current preferences to the extent the ward has the ability to participate in decision making when those preferences are known or reasonably ascertainable by the guardian. Decisions by the guardian shall conform to the ward's current preferences: (1) unless the guardian reasonably believes that doing so would result in substantial harm to the ward's welfare or personal or financial interests; and (2) so long as such decisions give substantial weight to what the ward, if competent, would have done or intended under the circumstances, taking into account evidence that includes, but is not limited to, the ward's personal, philosophical, religious and moral beliefs, and ethical values relative to the decision to be made by the guardian. Where possible, the guardian shall determine how the ward would have made a decision based on the ward's previously expressed preferences, and make decisions in accordance with the preferences of the ward. If the ward's wishes are unknown and remain unknown after reasonable efforts to discern them, or if the guardian reasonably believes that a decision made in conformity with the ward's preferences would result in substantial harm to the ward's welfare or personal or financial interests, the decision shall be made on the basis of the ward's best interests as determined by the guardian. In determining the ward's best interests, the guardian shall weigh the reason for and nature of the proposed action, the benefit or necessity of the action, the possible risks and other consequences of the proposed action, and any available alternatives and their risks, consequences and benefits, and shall take into account any other information, including the views of family and friends, that the guardian believes the ward would have considered if able to act for herself or himself.

(f) Upon petition by any interested person (including the standby or short-term guardian), with such notice to interested persons as the court directs and a finding by the court that it is in the best interests of the person with a disability, the court may terminate or limit the authority of a standby or short-term guardian or may enter such other orders as the court deems necessary to provide for the best interests of the person with a disability. The petition for termination or limitation of the authority of a standby or short-term guardian may, but need not, be combined with a petition to have another guardian appointed for the person with a disability.

(g)(1) Unless there is a court order to the contrary, the guardian, consistent with the standards set forth in subsection (e) of this Section, shall use reasonable efforts to notify the ward's known adult children, who have requested notification and provided contact information, of the ward's admission to a hospital, hospice, or palliative care program, the ward's death, and the arrangements for the disposition of the ward's remains.

(2) If a guardian unreasonably prevents an adult child, spouse, adult grandchild, parent, or adult sibling of the ward from visiting the ward, the court, upon a verified petition, may order the guardian to permit visitation between the ward and the adult child, spouse, adult grandchild, parent, or adult sibling. In making its determination, the court shall consider the standards set forth in subsection (e) of this Section. The court shall not allow visitation if the court finds that the ward has capacity to evaluate and communicate decisions regarding visitation and expresses a desire not to have visitation with the petitioner. This subsection (g) does not apply to duly appointed public guardians or the Division ~~Office~~ of State Guardian.

(Source: P.A. 101-329, eff. 8-9-19; 102-72, eff. 1-1-22; 102-258, eff. 8-6-21; 102-813, eff. 5-13-22.)

(755 ILCS 5/12-4) (from Ch. 110 1/2, par. 12-4)

Sec. 12-4. When security excused or specified.~~)~~

(a) Except as provided in paragraph (c) of Section 6-13 with respect to a nonresident executor, no security is required of a person who is excused by the will from giving bond or security and no greater security than is specified by the will is required, unless in either case the court, from its own knowledge or the suggestion of any interested person, has cause to suspect the representative of fraud or incompetence or believes that the estate of the decedent will not be sufficient to discharge all the claims against the estate, or in the case of a testamentary guardian of the estate, that the rights of the ward will be prejudiced by failure to give security.

(b) If a person designates a guardian of his person or estate or both to be appointed in the event he is adjudged a person with a disability as provided in Section 11a-6 and excuses the guardian from giving bond or security, or if the guardian is the Division ~~Office~~ of State Guardian, the guardian's bond in the amount from time to time required under this Article shall be in full force and effect without writing, unless the court requires the filing of a written bond.

(c) The Division ~~Office~~ of State Guardian shall not be required to have sureties or surety companies as security on its bonds. The oath and bond of the representative without surety shall be sufficient.

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

(755 ILCS 5/13-1) (from Ch. 110 1/2, par. 13-1)

Sec. 13-1. Appointment and term of public administrator and public guardian.

(a) Except as provided in Section 13-1.1, before the first Monday of December, 1977 and every 4 years thereafter, and as often as vacancies occur, the Governor, by and with the advice and consent of the Senate, shall appoint in each county a suitable person to serve as public administrator and a suitable person to serve as public guardian of the county. The Governor may designate, without the advice and consent of the Senate, the Division ~~Office~~ of State Guardian as an interim public guardian to fill a vacancy in one or more counties having a population of 500,000 or less if the designation:

(1) is specifically designated as an interim appointment for a term of the lesser of one year or until the Governor appoints, with the advice and consent of the Senate, a county public guardian to fill the vacancy;

(2) requires the Division ~~Office~~ of State Guardian to affirm its availability to act in the county; and

(3) expires in a pending case of a person with a disability in the county at such a time as the court appoints a qualified successor guardian of the estate and person for the person with a disability.

When appointed as an interim public guardian, the Division of State Guardian will perform the powers and duties assigned to it under the Guardianship and Advocacy Act.

The Governor may appoint the same person to serve as public guardian and public administrator in one or more counties. In considering the number of counties of service for any prospective public guardian or public administrator the Governor may consider the population of the county and the ability of the prospective public guardian or public administrator to travel to multiple counties and manage estates in multiple counties. Each person so appointed holds his office for 4 years from the first Monday of December, 1977 and every 4 years thereafter or until his successor is appointed and qualified.

(b) Within 14 days of notification to the current public guardian of the appointment by the Governor of a new public guardian pursuant to this Section, the outgoing public guardian shall provide the incoming successor public guardian with a list of current guardianships. Within 60 days of receipt of the list of guardianships, the incoming public guardian may petition the court for a transfer of a guardianship to the incoming public guardian. The transfer of a guardianship of the person, estate, or both shall be made if it is in the best interests of the ward as determined by the court on a case-by-case basis.

Factors for the court to consider include, but are not limited to, the following:

(1) the ward's preference as to the transfer of the guardianship;

(2) the recommendation of the guardian ad litem, the ward's family members, and other interested parties;

(3) the length of time in which the outgoing public guardian has served as guardian for the ward;

(4) the ward's relationship with the outgoing public guardian's office;

(5) the nature and extent of the ward's disabilities;

(6) the ward's current residential placement, his or her current support network, and ongoing needs;

(7) the costs involved in the transfer of the ward's estate;

(8) the status of pending legal matters or other matters germane to the ward's care or the management of the ward's estate;

(9) the obligation to post bond and the cost thereof;

(10) the guardians' status with regard to certification by the Center for Guardianship Certification; and

(11) other good causes.

If the court approves a transfer to the incoming public guardian, the outgoing public guardian shall file a final account of his or her activities on behalf of the ward within 30 days or within such other time that the court may allow. The outgoing public guardian may file a petition for final fees

pursuant to subsection (b) of Section 13-3.1.
(Source: P.A. 102-72, eff. 1-1-22.)

(755 ILCS 5/13-1.2)

Sec. 13-1.2. Certification requirement. Each person appointed as a public guardian by the Governor shall be certified as a National Certified Guardian by the Center for Guardianship Certification within 6 months after his or her appointment. The Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ shall provide public guardians with information about certification requirements and procedures for testing and certification offered by the Center for Guardianship Certification. The cost of certification shall be considered an expense connected with the operation of the public guardian's office within the meaning of subsection (b) of Section 13-3.1 of this Article.

A public guardian shall additionally complete a one-hour course regarding Alzheimer's disease and dementia within 6 months of appointment and annually thereafter. The training program shall include, but not be limited to, the following topics: effective communication strategies; best practices for interacting with people with Alzheimer's disease and related forms of dementia; and strategies for supporting people living with Alzheimer's disease or related forms of dementia in exercising their rights.
(Source: P.A. 103-64, eff. 1-1-24.)

Section 10-130. The Supported Decision-Making Agreement Act is amended by changing Section 30 as follows:

(755 ILCS 9/30)

Sec. 30. Supporter duties.

(a) Except as otherwise provided by a supported decision-making agreement, a supporter may:

(1) Assist the principal in understanding information, options, responsibilities, and consequences of the life decisions of the principal, including those decisions related to the affairs or support services of the principal.

(2) Help the principal access, obtain, and understand any information that is relevant to any given life decision, including a medical, psychological, financial, or educational decision, or any treatment records or records necessary to manage the affairs or support services of the principal.

(3) Assist the principal in finding, obtaining, making appointments for, and implementing the support services or plans for support services of the principal.

(4) Help the principal monitor information about the affairs or support services of the principal, including keeping track of future necessary or recommended services.

(5) Ascertain the wishes and decisions of the

principal in order to advocate that the wishes and decisions of an individual with disabilities are implemented.

(b) A supporter shall act with the care, competence, and diligence ordinarily exercised by an individual in a similar circumstance, with due regard to the possession of, or lack of, special skills or expertise.

(c) A supporter shall seek training and education regarding the responsibilities and limitations of the supporter role. The Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ shall provide public information about this Act and the supporter role, responsibilities, and limitations.

The Department of Disability Advocacy and Guardianship ~~and Advocacy Commission~~ shall develop training and education materials for both principals and supporters, including, but not limited to, sample agreements that will be posted on the website of the Department ~~Commission~~ along with public awareness materials.

(Source: P.A. 102-614, eff. 2-27-22.)

Section 10-135. The Illinois Power of Attorney Act is amended by changing Section 2-7 as follows:

(755 ILCS 45/2-7) (from Ch. 110 1/2, par. 802-7)

Sec. 2-7. Duty - standard of care - record-keeping -

exoneration.

(a) The agent shall be under no duty to exercise the powers granted by the agency or to assume control of or responsibility for any of the principal's property, care or affairs, regardless of the principal's physical or mental condition. Whenever a power is exercised, the agent shall act in good faith for the benefit of the principal using due care, competence, and diligence in accordance with the terms of the agency and shall be liable for negligent exercise. An agent who acts with due care for the benefit of the principal shall not be liable or limited merely because the agent also benefits from the act, has individual or conflicting interests in relation to the property, care or affairs of the principal or acts in a different manner with respect to the agency and the agent's individual interests. The agent shall not be affected by any amendment or termination of the agency until the agent has actual knowledge thereof. The agent shall not be liable for any loss due to error of judgment nor for the act or default of any other person.

(b) An agent that has accepted appointment must act in accordance with the principal's expectations to the extent actually known to the agent and otherwise in the principal's best interests.

(c) An agent shall keep a record of all receipts, disbursements, and significant actions taken under the authority of the agency and shall provide a copy of this record when requested to do so by:

(1) the principal, a guardian, another fiduciary acting on behalf of the principal, and, after the death of the principal, the personal representative or successors in interest of the principal's estate;

(2) a representative of a provider agency, as defined in Section 2 of the Adult Protective Services Act, acting in the course of an assessment of a complaint of elder abuse or neglect under that Act;

(3) a representative of the Office of the State Long Term Care Ombudsman, acting in the course of an investigation of a complaint of financial exploitation of a nursing home resident under Section 4.04 of the Illinois Act on the Aging;

(4) a representative of the Office of Inspector General for the Department of Human Services, acting in the course of an assessment of a complaint of financial exploitation of an adult with disabilities pursuant to Section 35 of the Abuse of Adults with Disabilities Intervention Act;

(5) a court under Section 2-10 of this Act; or

(6) a representative of the Division ~~Office~~ of State Guardian or public guardian for the county in which the principal resides acting in the course of investigating whether to file a petition for guardianship of the principal under Section 11a-4 or 11a-8 of the Probate Act

of 1975.

(d) If the agent fails to provide his or her record of all receipts, disbursements, and significant actions within 21 days after a request under subsection (c), the adult abuse provider agency, the Division of State Guardian, the public guardian, or a representative of the Office of the State Long Term Care Ombudsman may petition the court for an order requiring the agent to produce his or her record of receipts, disbursements, and significant actions. If the court finds that the agent's failure to provide his or her record in a timely manner to the adult abuse provider agency, the Division of State Guardian, the public guardian, or a representative of the Office of the State Long Term Care Ombudsman was without good cause, the court may assess reasonable costs and attorney's fees against the agent, and order such other relief as is appropriate.

(e) An agent is not required to disclose receipts, disbursements, or other significant actions conducted on behalf of the principal except as otherwise provided in the power of attorney or as required under subsection (c).

(f) An agent that violates this Act is liable to the principal or the principal's successors in interest for the amount required (i) to restore the value of the principal's property to what it would have been had the violation not occurred, and (ii) to reimburse the principal or the principal's successors in interest for the attorney's fees and costs paid on the agent's behalf. This subsection does not limit any other applicable legal or equitable remedies.

(Source: P.A. 100-952, eff. 1-1-19.)

Article 15.

Section 15-5. The Illinois Human Rights Act is amended by changing Sections 7-101, 7A-102, 7B-102, 8-101, and 8-105 and by adding Section 9-103 as follows:

(775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

Sec. 7-101. Powers and duties. In addition to other powers and duties prescribed in this Act, the Department shall have the following powers:

(A) Rules and Regulations. To adopt, promulgate, amend, and rescind rules and regulations not inconsistent with the provisions of this Act pursuant to the Illinois Administrative Procedure Act.

(B) Charges. To issue, receive, investigate, conciliate, settle, and dismiss charges filed in conformity with this Act.

(C) Compulsory Process. To issue ~~request~~ subpoenas as it deems necessary for its investigations.

(D) Complaints. To file complaints with the Commission in conformity with this Act and to intervene in complaints pending before the Commission filed under Article 2, 4, 5, 5A, or 6.

(E) Judicial Enforcement. To seek temporary relief and to enforce orders of the Commission in conformity with this Act.

(F) Equal Employment Opportunities. To take such action as may be authorized to provide for equal employment opportunities and affirmative action.

(G) Recruitment; Research; Public Communication; Advisory Councils. To engage in such recruitment, research and public communication and create such advisory councils as may be authorized to effectuate the purposes of this Act.

(H) Coordination with other Agencies. To coordinate its activities with federal, state, and local agencies in conformity with this Act.

(I) Grants; Private Gifts.

(1) To accept public grants and private gifts as may be authorized.

(2) To design grant programs and award grants to eligible recipients.

(J) Education and Training. To implement a formal and unbiased program of education and training for all employees assigned to investigate and conciliate charges under Articles 7A and 7B. The training program shall include the following:

(1) substantive and procedural aspects of the investigation and conciliation positions;

(2) current issues in human rights law and practice;

(3) lectures by specialists in substantive areas related to human rights matters;

(4) orientation to each operational unit of the Department and Commission;

(5) observation of experienced Department investigators and attorneys conducting conciliation conferences, combined with the opportunity to discuss evidence presented and rulings made;

(6) the use of hypothetical cases requiring the Department investigator and conciliation conference attorney to issue judgments as a means of ~~to~~ evaluating knowledge and writing ability;

(7) writing skills;

(8) computer skills, including but not limited to word processing and document management.

A formal, unbiased and ongoing professional development program including, but not limited to, the above-noted areas shall be implemented to keep Department investigators and attorneys informed of recent developments and issues and to assist them in maintaining and enhancing their professional competence.

(K) Hotlines. To establish and maintain hotlines and helplines to aid in effectuating the purposes of this Act including the confidential reporting of discrimination, harassment, and bias incidents. All communications received or sent via the hotlines and helplines are exempt from disclosure under the Freedom of Information Act.

(Source: P.A. 102-1115, eff. 1-9-23; 103-335, eff. 1-1-24;

103-859, eff. 1-1-25.)

(775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

Sec. 7A-102. Procedures.

(A) Charge.

(1) Within 2 years after the date that a civil rights violation allegedly has been committed, a charge in writing under oath or affirmation may be filed with the Department by an aggrieved party or issued by the Department itself under the signature of the Director.

(2) The charge shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged civil rights violation.

(3) Charges deemed filed with the Department pursuant to subsection (A-1) of this Section shall be deemed to be in compliance with this subsection.

(A-1) Equal Employment Opportunity Commission Charges.

(1) If a charge is filed with the Equal Employment Opportunity Commission (EEOC) within 300 calendar days after the date of the alleged civil rights violation, the charge shall be deemed filed with the Department on the date filed with the EEOC. If the EEOC is the governmental agency designated to investigate the charge first, the Department shall take no action until the EEOC makes a determination on the charge and after the complainant

notifies the Department of the EEOC's determination. In such cases, after receiving notice from the EEOC that a charge was filed, the Department shall notify the parties that (i) a charge has been received by the EEOC and has been sent to the Department for dual filing purposes; (ii) the EEOC is the governmental agency responsible for investigating the charge and that the investigation shall be conducted pursuant to the rules and procedures adopted by the EEOC; (iii) it will take no action on the charge until the EEOC issues its determination; (iv) the complainant must submit a copy of the EEOC's determination within 30 days after service of the determination by the EEOC on the complainant; and (v) that the time period to investigate the charge contained in subsection (G) of this Section is tolled from the date on which the charge is filed with the EEOC until the EEOC issues its determination.

(2) If the EEOC finds reasonable cause to believe that there has been a violation of federal law and if the Department is timely notified of the EEOC's findings by the complainant, the Department shall notify the complainant that the Department has adopted the EEOC's determination of reasonable cause and that the complainant has the right, within 90 days after receipt of the Department's notice, to either file the complainant's own complaint with the Illinois Human Rights Commission or

commence a civil action in the appropriate circuit court or other appropriate court of competent jurisdiction. This notice shall be provided to the complainant within 10 business days after the Department's receipt of the EEOC's determination. The Department's notice to the complainant that the Department has adopted the EEOC's determination of reasonable cause shall constitute the Department's Report for purposes of subparagraph (D) of this Section.

(3) For those charges alleging violations within the jurisdiction of both the EEOC and the Department and for which the EEOC either (i) does not issue a determination, but does issue the complainant a notice of a right to sue, including when the right to sue is issued at the request of the complainant, or (ii) determines that it is unable to establish that illegal discrimination has occurred and issues the complainant a right to sue notice, and if the Department is timely notified of the EEOC's determination by the complainant, the Department shall notify the parties, within 10 business days after receipt of the EEOC's determination, that the Department will adopt the EEOC's determination as a dismissal for lack of substantial evidence unless the complainant requests in writing within 35 days after receipt of the Department's notice that the Department review the EEOC's determination.

(a) If the complainant does not file a written request with the Department to review the EEOC's determination within 35 days after receipt of the Department's notice, the Department shall notify the complainant, within 10 business days after the expiration of the 35-day period, that the decision of the EEOC has been adopted by the Department as a dismissal for lack of substantial evidence and that the complainant has the right, within 90 days after receipt of the Department's notice, to commence a civil action in the appropriate circuit court or other appropriate court of competent jurisdiction. The Department's notice to the complainant that the Department has adopted the EEOC's determination shall constitute the Department's report for purposes of subparagraph (D) of this Section.

(b) If the complainant does file a written request with the Department to review the EEOC's determination, the Department shall review the EEOC's determination and any evidence obtained by the EEOC during its investigation. If, after reviewing the EEOC's determination and any evidence obtained by the EEOC, the Department determines there is no need for further investigation of the charge, the Department shall issue a report and the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed pursuant to subsection (D) of this Section. If, after reviewing the EEOC's determination and any evidence obtained by the EEOC, the Department determines there is a need for further investigation of the charge, the Department may conduct any further investigation it deems necessary. After reviewing the EEOC's determination, the evidence obtained by the EEOC, and any additional investigation conducted by the Department, the Department shall issue a report and the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed pursuant to subsection (D) of this Section.

(4) Pursuant to this Section, if the EEOC dismisses the charge or a portion of the charge of discrimination because, under federal law, the EEOC lacks jurisdiction over the charge, and if, under this Act, the Department has jurisdiction over the charge of discrimination, the Department shall investigate the charge or portion of the charge dismissed by the EEOC for lack of jurisdiction pursuant to subsections (A), (A-1), (B), (B-1), (C), (D), (E), (F), (G), (H), (I), (J), and (K) of this Section.

(5) The time limit set out in subsection (G) of this Section is tolled from the date on which the charge is filed with the EEOC to the date on which the EEOC issues its determination.

(6) The failure of the Department to meet the 10-business-day notification deadlines set out in paragraph (2) of this subsection shall not impair the rights of any party.

(B) Notice and Response to Charge. The Department shall, within 10 days of the date on which the charge was filed, serve a copy of the charge on the respondent and provide all parties with a notice of the complainant's right to opt out of the investigation within 60 days as set forth in subsection (C-1). This period shall not be construed to be jurisdictional. The charging party and the respondent may each file a position statement and other materials with the Department regarding the charge of alleged discrimination within 60 days of receipt of the notice of the charge. The position statements and other materials filed shall remain confidential unless otherwise agreed to by the party providing the information and shall not be served on or made available to the other party during the pendency of a charge with the Department. The Department may require the respondent to file a response to the allegations contained in the charge. Upon the Department's request, the respondent shall file a response to the charge within 60 days and shall serve a copy of its response on the complainant or the complainant's representative. Notwithstanding any request from the Department, the respondent may elect to file a response to the charge within 60 days of receipt of notice of the charge, provided the respondent serves a copy of its response on the complainant or the complainant's representative. All allegations contained in the charge not denied by the respondent within 60 days of the Department's request for a response may be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The Department may issue a notice of default directed to any respondent who fails to file a response to a charge within 60 days of receipt of the Department's request, unless the respondent can demonstrate good cause as to why such notice should not issue. The term "good cause" shall be defined by rule promulgated by the Department. Within 30 days of receipt of the respondent's response, the complainant may file a reply to said response and shall serve a copy of said reply on the respondent or the respondent's representative. A party shall have the right to supplement the party's response or reply at any time that the investigation of the charge is pending. The Department shall, within 10 days of the date on which the charge was filed, and again no later than 335 days thereafter, send by certified or registered mail, or electronic mail if elected by the party, written notice to the complainant and to the respondent informing the complainant of the complainant's rights to either file a complaint with the Human Rights Commission or commence a civil action in the appropriate circuit court under subparagraph (2) of paragraph (G), including in such notice the dates within which the complainant may exercise these rights. In the notice the Department shall notify the complainant that the charge of civil rights violation will be dismissed with prejudice and with no right to further proceed if a written complaint is not timely filed with the Commission or with the appropriate circuit court by the complainant pursuant to subparagraph (2) of paragraph (G) or by the Department pursuant to subparagraph (1) of paragraph (G).

(B-1) Mediation. The complainant and respondent may agree to voluntarily submit the charge to mediation without waiving any rights that are otherwise available to either party pursuant to this Act and without incurring any obligation to accept the result of the mediation process. Nothing occurring in mediation shall be disclosed by the Department or admissible in evidence in any subsequent proceeding unless the complainant and the respondent agree in writing that such disclosure be made.

(C) Investigation.

(1) The Department shall conduct an investigation sufficient to determine whether the allegations set forth in the charge are supported by substantial evidence unless the complainant elects to opt out of an investigation pursuant to subsection (C-1).

(2) The Director or the Director's designated representatives shall have authority to ~~request any member of the Commission to~~ issue subpoenas to compel the attendance of a witness or the production for examination

of any books, records or documents whatsoever as it deems necessary for the Department's investigations.

(3) If any witness whose testimony is required for any investigation resides outside the State, or through illness or any other good cause as determined by the Director is unable to be interviewed by the investigator or appear at a fact-finding ~~fact finding~~ conference, the witness' testimony or deposition may be taken, within or without the State, in the same manner as is provided for in the taking of depositions in civil cases in circuit courts.

(4) Upon reasonable notice to the complainant and the respondent, the Department in its discretion may conduct a fact finding conference. If the complainant and respondent both submit a written request for a fact finding conference prior to 90 days after the date on which the charge was filed, the Department shall conduct a fact finding conference unless prior to the Department's receipt of both requests, the Department has issued its report. Any request for a fact finding conference must include the party's written agreement to grant an extension of 120 days to the time period if requested by the Department to issue its report. If the Department conducts a fact finding conference, a complainant or respondent's failure to attend the conference without good cause shall result in dismissal or default. The term "good

cause" shall be defined by rule promulgated by the Department. A notice of dismissal or default shall be issued by the Director. The notice of default issued by the Director shall notify the respondent that a request for review may be filed in writing with the Commission within 30 days of receipt of notice of default. The notice of dismissal issued by the Director shall give the complainant notice of the complainant's right to seek review of the dismissal before the Human Rights Commission or commence a civil action in the appropriate circuit court. If the complainant chooses to have the Human Rights Commission review the dismissal order, the complainant shall file a request for review with the Commission within 90 days after receipt of the Director's notice. If the complainant chooses to file a request for review with the Commission, the complainant may not later commence a civil action in a circuit court. If the complainant chooses to commence a civil action in a circuit court, the complainant must do so within 90 days after receipt of the Director's notice.

(C-1) Opt out of Department's investigation. At any time within 60 days after receipt of notice of the right to opt out, a complainant may submit a written request seeking notice from the Director indicating that the complainant has opted out of the investigation and may commence a civil action in the appropriate circuit court or other appropriate court of competent jurisdiction. Within 10 business days of receipt of the complainant's request to opt out of the investigation, the Director shall issue a notice to the parties stating that: (i) the complainant has exercised the right to opt out of the investigation; (ii) the complainant has 90 days after receipt of the Director's notice to commence an action in the appropriate circuit court or other appropriate court of competent jurisdiction; and (iii) the Department has ceased its investigation and is administratively closing the charge. The complainant shall notify the Department that a complaint has been filed with the appropriate circuit court by serving a copy of the complaint on the chief legal counsel of the Department within 21 days from the date that the complaint is filed with the appropriate circuit court. This 21-day period for service on the chief legal counsel shall not be construed to be jurisdictional. Once a complainant has opted out of the investigation under this subsection, the complainant may not file or refile a substantially similar charge with the Department arising from the same incident of unlawful discrimination or harassment.

(D) Report.

(1) Each charge investigated under subsection (C) shall be the subject of a report to the Director. The report shall be a confidential document subject to review by the Director, authorized Department employees, the parties, and, where indicated by this Act, members of the

Commission or their designated hearing officers.

(2) Upon review of the report, the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed. The determination of substantial evidence is limited to determining the need for further consideration of the charge pursuant to this Act and includes, but is not limited to, findings of fact and conclusions, as well as the reasons for the determinations on all material issues. Substantial evidence is evidence which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance.

(3) If the Director determines that there is no substantial evidence, the charge shall be dismissed by the Director and the Director shall give the complainant notice of the complainant's right to seek review of the notice of dismissal before the Commission or commence a civil action in the appropriate circuit court. If the complainant chooses to have the Human Rights Commission review the notice of dismissal, the complainant shall file a request for review with the Commission within 90 days after receipt of the Director's notice. If the complainant chooses to file a request for review with the Commission, the complainant may not later commence a civil action in a circuit court. If the complainant chooses to commence a

civil action in a circuit court, the complainant must do so within 90 days after receipt of the Director's notice. The complainant shall notify the Department that a complaint has been filed by serving a copy of the complaint on the chief legal counsel of the Department within 21 days from the date that the complaint is filed in circuit court. This 21-day period for service on the chief legal counsel shall not be construed to be jurisdictional.

(4) If the Director determines that there is substantial evidence, the Director shall notify the complainant and respondent of that determination. The Director shall also notify the parties that the complainant has the right to either commence a civil action in the appropriate circuit court or request that the Department of Human Rights file a complaint with the Human Rights Commission on the complainant's behalf. Any such complaint shall be filed within 90 days after receipt of the Director's notice. If the complainant chooses to have the Department file a complaint with the Human Rights Commission on the complainant's behalf, the complainant must, within 30 days after receipt of the Director's notice, request in writing that the Department file the complaint. If the complainant timely requests that the Department file the complaint, the Department shall file the complaint on the complainant's behalf. If the complainant fails to timely request that the Department

file the complaint, the complainant may file the complainant's complaint with the Commission or commence a civil action in the appropriate circuit court. If the complainant files a complaint with the Human Rights Commission, the complainant shall notify the Department that a complaint has been filed by serving a copy of the complaint on the chief legal counsel of the Department within 21 days from the date that the complaint is filed with the Human Rights Commission. This 21-day period for service on the chief legal counsel shall not be construed to be jurisdictional.

(E) Conciliation.

(1) When there is a finding of substantial evidence, the Department may designate a Department employee who is an attorney licensed to practice in Illinois to endeavor to eliminate the effect of the alleged civil rights violation and to prevent its repetition by means of conference and conciliation.

(2) When the Department determines that a formal conciliation conference is necessary, the complainant and respondent shall be notified of the time and place of the conference by registered or certified mail at least 10 days prior thereto and either or both parties shall appear at the conference in person or by attorney.

(3) The place fixed for the conference shall be within 35 miles of the place where the civil rights violation is

alleged to have been committed.

(4) Nothing occurring at the conference shall be disclosed by the Department unless the complainant and respondent agree in writing that such disclosure be made.

(5) The Department's efforts to conciliate the matter shall not stay or extend the time for filing the complaint with the Commission or the circuit court.

(F) Complaint.

(1) When the complainant requests that the Department file a complaint with the Commission on the complainant's behalf, the Department shall prepare a written complaint, under oath or affirmation, stating the nature of the civil rights violation substantially as alleged in the charge previously filed and the relief sought on behalf of the aggrieved party. The Department shall file the complaint with the Commission.

(1.5) If the complainant chooses to file a complaint with the Commission without the Department's assistance, the complainant shall notify the Department that a complaint has been filed by serving a copy of the complaint on the chief legal counsel of the Department within 21 days from the date that the complaint is filed with the Human Rights Commission. This 21-day period for service on the chief legal counsel shall not be construed to be jurisdictional.

(2) If the complainant chooses to commence a civil

action in a circuit court:

(i) The complainant shall file the civil action in the circuit court in the county wherein the civil rights violation was allegedly committed.

(ii) The form of the complaint in any such civil action shall be in accordance with the Code of Civil Procedure.

(iii) The complainant shall notify the Department that a complaint has been filed by serving a copy of the complaint on the chief legal counsel of the Department within 21 days from the date that the complaint is filed in circuit court. This 21-day period for service on the chief legal counsel shall not be construed to be jurisdictional.

(G) Time Limit.

(1) When a charge of a civil rights violation has been properly filed, the Department, within 365 days thereof or within any extension of that period agreed to in writing by all parties, shall issue its report as required by subparagraph (D). Any such report shall be duly served upon both the complainant and the respondent.

(2) If the Department has not issued its report within 365 days after the charge is filed, or any such longer period agreed to in writing by all the parties, the complainant shall have 90 days to either file the complainant's own complaint with the Human Rights

Commission or commence a civil action in the appropriate circuit court. If the complainant files a complaint with the Commission, the form of the complaint shall be in accordance with the provisions of paragraph (F)(1). If the complainant commences a civil action in a circuit court, the form of the complaint shall be in accordance with the Code of Civil Procedure. The aggrieved party shall notify the Department that a complaint has been filed by serving a copy of the complaint on the chief legal counsel of the Department within ~~with~~ 21 days from the date that the complaint is filed with the Commission or in circuit court. This 21-day period for service on the chief legal counsel shall not be construed to be jurisdictional. If the complainant files a complaint with the Commission, the complainant may not later commence a civil action in circuit court.

(3) If an aggrieved party files a complaint with the Human Rights Commission or commences a civil action in circuit court pursuant to paragraph (2) of this subsection, or if the time period for filing a complaint has expired, the Department shall immediately cease its investigation and dismiss the charge of civil rights violation. Any final order entered by the Commission under this Section is appealable in accordance with paragraph (B)(1) of Section 8-111. Failure to immediately cease an investigation and dismiss the charge of civil rights

violation as provided in this paragraph (3) constitutes grounds for entry of an order by the circuit court permanently enjoining the investigation. The Department may also be liable for any costs and other damages incurred by the respondent as a result of the action of the Department.

(4) (Blank).

(H) Public Act 89-370 applies to causes of action filed on or after January 1, 1996.

(I) Public Act 89-520 applies to causes of action filed on or after January 1, 1996.

(J) The changes made to this Section by Public Act 95-243 apply to charges filed on or after the effective date of those changes.

(K) The changes made to this Section by Public Act 96-876 apply to charges filed on or after the effective date of those changes.

(L) The changes made to this Section by Public Act 100-1066 apply to charges filed on or after August 24, 2018 (the effective date of Public Act 100-1066).

(M) The changes made to this Section by Public Act 104-425 ~~this amendatory Act of the 104th General Assembly~~ apply to charges pending or filed on or after January 1, 2026 (the effective date of Public Act 104-425) ~~this amendatory Act of the 104th General Assembly~~.

(Source: P.A. 103-335, eff. 1-1-24; 103-973, eff. 1-1-25;

104-425, eff. 1-1-26; revised 12-12-25.)

(775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

Sec. 7B-102. Procedures.

(A) Charge.

(1) Within one year after the date that a civil rights violation allegedly has been committed or terminated, a charge in writing under oath or affirmation may be filed with the Department by an aggrieved party or issued by the Department itself under the signature of the Director.

(2) The charge shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged civil rights violation.

(B) Notice and Response to Charge.

(1) The Department shall serve notice upon the aggrieved party acknowledging such charge and advising the aggrieved party of the time limits and choice of forums provided under this Act. The Department shall, within 10 days of the date on which the charge was filed or the identification of an additional respondent under paragraph (2) of this subsection, serve on the respondent a copy of the charge along with a notice identifying the alleged civil rights violation and advising the respondent of the procedural rights and obligations of respondents under this Act and may require the respondent to file a response

to the allegations contained in the charge. Upon the Department's request, the respondent shall file a response to the charge within 30 days and shall serve a copy of its response on the complainant or his or her representative. Notwithstanding any request from the Department, the respondent may elect to file a response to the charge within 30 days of receipt of notice of the charge, provided the respondent serves a copy of its response on the complainant or his or her representative. All allegations contained in the charge not denied by the respondent within 30 days after the Department's request for a response may be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The Department may issue a notice of default directed to any respondent who fails to file a response to a charge within 30 days of the Department's request, unless the respondent can demonstrate good cause as to why such notice should not issue. The term "good cause" shall be defined by rule promulgated by the Department. Within 10 days of the date he or she receives the respondent's response, the complainant may file his or her reply to said response. If he or she chooses to file a reply, the complainant shall serve a copy of said reply on the respondent or his or her representative. A party may supplement his or her response or reply at any time that the investigation of the charge is pending.

(2) A person who is not named as a respondent in a charge, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under subsection (B), to such person, from the Department. Such notice, in addition to meeting the requirements of subsections (A) and (B), shall explain the basis for the Department's belief that a person to whom the notice is addressed is properly joined as a respondent.

(C) Investigation.

(1) The Department shall conduct a full investigation of the allegations set forth in the charge and complete such investigation within 100 days after the filing of the charge, unless it is impracticable to do so. The Department's failure to complete the investigation within 100 days after the proper filing of the charge does not deprive the Department of jurisdiction over the charge.

(2) If the Department is unable to complete the investigation within 100 days after the charge is filed, the Department shall notify the complainant and respondent in writing of the reasons for not doing so. The failure of the Department to notify the complainant or respondent in writing of the reasons for not doing so shall not deprive the Department of jurisdiction over the charge.

(3) The Director or his or her designated

representative shall have authority to ~~request any member of the Commission to~~ issue subpoenas to compel the attendance of a witness or the production for examination of any books, records or documents whatsoever as it deems necessary for the Department's investigations.

(4) If any witness whose testimony is required for any investigation resides outside the State, or through illness or any other good cause as determined by the Director is unable to be interviewed by the investigator or appear at a fact finding conference, his or her testimony or deposition may be taken, within or without the State, in the same manner as provided for in the taking of depositions in civil cases in circuit courts.

(5) Upon reasonable notice to the complainant and the respondent, the Department may conduct a fact finding conference. When requested by the Department, a party's failure to attend the conference without good cause may result in dismissal or default. A notice of dismissal or default shall be issued by the Director and shall notify the relevant party that a request for review may be filed in writing with the Commission within 30 days of receipt of notice of dismissal or default.

(D) Report.

(1) Each charge investigated under subsection (C) shall be the subject of a report to the Director. The report shall be a confidential document subject to review

by the Director, authorized Department employees, the parties, and, where indicated by this Act, members of the Commission or their designated hearing officers.

The report shall contain:

(a) the names and dates of contacts with witnesses;

(b) a summary and the date of correspondence and other contacts with the aggrieved party and the respondent;

(c) a summary description of other pertinent records;

(d) a summary of witness statements; and

(e) answers to questionnaires.

A final report under this paragraph may be amended if additional evidence is later discovered.

(2) Upon review of the report and within 100 days of the filing of the charge, unless it is impracticable to do so, the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed or is about to be committed. If the Director is unable to make the determination within 100 days after the filing of the charge, the Director shall notify the complainant and respondent in writing of the reasons for not doing so. The Director's failure to make the determination within 100 days after the proper filing of the charge does not deprive the Department of

jurisdiction over the charge.

(a) If the Director determines that there is no substantial evidence, the charge shall be dismissed and the aggrieved party notified that he or she may seek review of the dismissal order before the Commission. The aggrieved party shall have 90 days from receipt of notice to file a request for review by the Commission. The Director shall make public disclosure of each such dismissal.

(b) If the Director determines that there is substantial evidence, he or she shall immediately issue a complaint on behalf of the aggrieved party pursuant to subsection (F).

(E) Conciliation.

(1) During the period beginning with the filing of a charge and ending with the filing of a complaint or a dismissal by the Department, the Department shall, to the extent feasible, engage in conciliation with respect to such charge.

When the Department determines that a formal conciliation conference is feasible, the aggrieved party and respondent shall be notified of the time and place of the conference by registered or certified mail at least 7 days prior thereto and either or both parties shall appear at the conference in person or by attorney.

(2) The place fixed for the conference shall be within

35 miles of the place where the civil rights violation is alleged to have been committed.

(3) Nothing occurring at the conference shall be made public or used as evidence in a subsequent proceeding for the purpose of proving a violation under this Act unless the complainant and respondent agree in writing that such disclosure be made.

(4) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Department and Commission.

(5) A conciliation agreement may provide for binding arbitration of the dispute arising from the charge. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

(6) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Department determines that disclosure is not required to further the purpose of this Act.

(F) Complaint.

(1) When there is a failure to settle or adjust any charge through a conciliation conference and the charge is not dismissed, the Department shall prepare a written complaint, under oath or affirmation, stating the nature of the civil rights violation and the relief sought on

behalf of the aggrieved party. Such complaint shall be based on the final investigation report and need not be limited to the facts or grounds alleged in the charge filed under subsection (A).

(2) The complaint shall be filed with the Commission.

(3) The Department may not issue a complaint under this Section regarding an alleged civil rights violation after the beginning of the trial of a civil action commenced by the aggrieved party under any State or federal law, seeking relief with respect to that alleged civil rights violation.

(G) Time Limit.

(1) When a charge of a civil rights violation has been properly filed, the Department, within 100 days thereof, unless it is impracticable to do so, shall either issue and file a complaint in the manner and form set forth in this Section or shall order that no complaint be issued. Any such order shall be duly served upon both the aggrieved party and the respondent. The Department's failure to either issue and file a complaint or order that no complaint be issued within 100 days after the proper filing of the charge does not deprive the Department of jurisdiction over the charge.

(2) The Director shall make available to the aggrieved party and the respondent, at any time, upon request following completion of the Department's investigation,

information derived from an investigation and any final investigative report relating to that investigation.

(H) This amendatory Act of 1995 applies to causes of action filed on or after January 1, 1996.

(I) The changes made to this Section by Public Act 95-243 apply to charges filed on or after the effective date of those changes.

(J) The changes made to this Section by this amendatory Act of the 96th General Assembly apply to charges filed on or after the effective date of those changes.

(Source: P.A. 101-530, eff. 1-1-20; 102-362, eff. 1-1-22.)

(775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

Sec. 8-101. Illinois Human Rights Commission.

(A) Creation; appointments. The Human Rights Commission is created and hereby redesignated as an independent commission under the Department for administrative purposes. The Commission shall ~~to~~ consist of 7 members appointed by the Governor with the advice and consent of the Senate. No more than 4 members shall be of the same political party. The Governor shall designate one member as chairperson. All appointments shall be in writing and filed with the Secretary of State as a public record.

Notwithstanding any provision of this Section to the contrary, beginning on January 15, 2029, and thereafter, the Commission shall consist of 5 members appointed by the

Governor with the advice and consent of the Senate. No more than 3 members shall be of the same political party.

(B) Terms. Of the members first appointed, 4 shall be appointed for a term to expire on the third Monday of January 2021, and 3 (including the Chairperson) shall be appointed for a term to expire on the third Monday of January 2023.

~~Notwithstanding any provision of this Section to the contrary, the term of office of each member of the Illinois Human Rights Commission is abolished on January 19, 2019. Incumbent members holding a position on the Commission that was created by Public Act 84-115 and whose terms, if not for Public Act 100-1066, would have expired January 18, 2021 shall continue to exercise all of the powers and be subject to all of the duties of members of the Commission until June 30, 2019 or until their respective successors are appointed and qualified, whichever is earlier.~~

Thereafter, each member shall serve for a term of 4 years and until the member's successor is appointed and qualified; except that any member chosen to fill a vacancy occurring otherwise than by expiration of a term shall be appointed only for the unexpired term of the member whom the member shall succeed and until the member's successor is appointed and qualified.

Notwithstanding any provision of this Section to the contrary, for the members whose terms expire in January 2027, the terms of their respective successors shall expire concurrently with the members whose terms expire on January 15, 2029. Notwithstanding any provision of this Section to the contrary, of the 5 members appointed to terms beginning in January 2029, 3 members shall be appointed to a term to expire on the third Monday of January 2031, and 2 members, including the chairperson, shall be appointed for a term to expire on the third Monday of January 2033. Thereafter, each member shall serve for a term of 4 years and until the member's successor is appointed and qualified; except that any member chosen to fill a vacancy occurring otherwise than by expiration of a term shall be appointed only for the unexpired term of the member whom the member shall succeed and until the member's successor is appointed and qualified.

(C) Vacancies.

(1) In the case of vacancies on the Commission during a recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate when the Governor shall appoint a person to fill the vacancy. Any person so nominated and confirmed by the Senate shall hold office for the remainder of the term and until the person's successor is appointed and qualified.

(2) If the Senate is not in session at the time this Act takes effect, the Governor shall make temporary appointments to the Commission as in the case of vacancies.

(3) Vacancies in the Commission shall not impair the

right of the remaining members to exercise all the powers of the Commission. Except when authorized by this Act to proceed through a 3 member panel, a majority of the members of the Commission then in office shall constitute a quorum.

(D) Compensation. On and after January 19, 2019, the Chairperson of the Commission shall be compensated at the rate of $125,000 per year, or as set by the Compensation Review Board, whichever is greater, during the Chairperson's service as Chairperson, and each other member shall be compensated at the rate of $119,000 per year, or as set by the Compensation Review Board, whichever is greater. In addition, all members of the Commission shall be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties.

(E) (Blank).

(F) A formal training program for newly appointed commissioners shall be implemented. The training program shall include the following:

(1) substantive and procedural aspects of the office of commissioner;

(2) current issues in employment and housing discrimination and public accommodation law and practice;

(3) orientation to each operational unit of the Human Rights Commission;

(4) observation of experienced hearing officers and

commissioners conducting hearings of cases, combined with the opportunity to discuss evidence presented and rulings made;

(5) the use of hypothetical cases requiring the newly appointed commissioner to issue judgments as a means of evaluating knowledge and writing ability;

(6) writing skills; and

(7) professional and ethical standards.

A formal and ongoing professional development program including, but not limited to, the above-noted areas shall be implemented to keep commissioners informed of recent developments and issues and to assist them in maintaining and enhancing their professional competence. Each commissioner shall complete 20 hours of training in the above-noted areas during every 2 years the commissioner remains in office.

(G) Commissioners must meet one of the following qualifications:

(1) licensed to practice law in the State of Illinois;

(2) at least 3 years of experience as a hearing officer at the Human Rights Commission; or

(3) at least 4 years of professional experience working for or dealing with individuals or corporations affected by this Act or similar laws in other jurisdictions, including, but not limited to, experience with a civil rights advocacy group, a fair housing group, a community organization, a trade association, a union, a

law firm, a legal aid organization, an employer's human resources department, an employment discrimination consulting firm, a community affairs organization, or a municipal human relations agency.

The Governor's appointment message, filed with the Secretary of State and transmitted to the Senate, shall state specifically how the experience of a nominee for commissioner meets the requirement set forth in this subsection. The Chairperson must have public or private sector management and budget experience, as determined by the Governor.

Each commissioner shall devote full time to the commissioner's duties and any commissioner who is an attorney shall not engage in the practice of law, nor shall any commissioner hold any other office or position of profit under the United States or this State or any municipal corporation or political subdivision of this State, nor engage in any other business, employment, or vocation.

(H) (Blank).

(I) Each commissioner may engage in outreach, public education, training activities, and other assignments that further the purposes of the Commission and are consistent with the commissioner's official duties, including as recommended by the Chairperson.

(Source: P.A. 102-1129, eff. 2-10-23; 103-326, eff. 1-1-24; 103-605, eff. 7-1-24; 103-859, eff. 1-1-25.)

(775 ILCS 5/8-105) (from Ch. 68, par. 8-105)

Sec. 8-105. Settlement.

(A) Approval.

(1) When a proposed settlement is submitted by the Department, the Commission, through a panel of 3 members, shall determine whether to approve its terms and conditions.

(2) A settlement of any complaint and its underlying charge or charges may be effectuated at any time upon agreement of the parties, with or without the Commission's approval, and shall act as a full and final resolution of the matter. If the parties desire that the Commission retain jurisdiction over the matter for purposes of enforcing the terms of the settlement, the terms shall be reduced to writing, signed by the parties, and submitted to the Commission for approval. <u>Any settlement to which the Department is a party shall be subject to approval by the Commission.</u> The Commission, through a panel of 3 members, shall determine whether to approve the settlement.

(3) <u>The Commission's determination of whether to approve a settlement shall occur within 15 days after the settlement is filed with the Commission.</u> Approval of the settlement shall be accomplished by an order, served on the parties and the Department, in accord with the written terms of the settlement.

(B) Violation. When the Department files notice of a settlement order violation, the Commission, through a panel of 3 ~~three~~ members, may either order the Department to seek enforcement of the settlement order pursuant to paragraph (C) of Section 8-111 or remand for any type of hearing as it may deem necessary pursuant to paragraph (D) of Section 8A-103.

(C) Dismissal for Refusal to Accept Settlement Offer. The Commission shall dismiss a complaint and the underlying charge or charges of the complaint if the Commission is satisfied that:

1. the respondent has eliminated the effects of the civil rights violation charged and taken steps to prevent repetition of the violation; or

2. the respondent offers and the complainant declines to accept the terms of settlement that the Commission determines are sufficient to eliminate the effect of the civil rights violation charged and to prevent repetition of the violation.

In determining whether the respondent has eliminated the effects of the civil rights violation charged, or has offered terms of settlement sufficient to eliminate same, the Commission shall consider the extent to which the respondent has either fully provided, or reasonably offered by way of terms of settlement, as the case may be, the relevant relief available to the complainant under Section 8A-104 of this Act.

At any time after the service of a complaint pursuant to

Section 8A-102 of this Act, and prior to service of a decision prepared pursuant to Section 8A-102(I), a respondent may move for a recommended order dismissing a complaint and the underlying charge or charges for complainant's refusal to accept terms of settlement that are sufficient to eliminate the effects of the civil rights violation charged in the complaint and to eliminate repetition of the violation. Respondent's motion and complainant's reply, if any, shall comply with the requirements for summary decision set forth in Section 8-106.1 of this Act.

(D) This amendatory Act of 1996 applies to causes of action filed on or after January 1, 1996.

(Source: P.A. 101-661, eff. 4-2-21.)

(775 ILCS 5/9-103 new)

Sec. 9-103. Transfer of the Commission.

(a) The Commission retains all the rights, powers, duties, and responsibilities vested in the Commission by law, including the power to select hearing officers, except that all finance, accounting, human resources, labor relations, communications, purchasing, procurement, administrative functions or other resources necessary to the operation of the Commission shall be vested in and shall be exercised by the Department in support of the Commission. The Commission and the Department shall retain independent capacity to sue and be sued.

(b) The personnel of the Commission responsible for the administrative functions listed in subsection (a) are transferred to the Department. The status and rights of personnel of the Commission under the Personnel Code are not affected by the transfer. The rights of the employees and the State of Illinois and its agencies under the Personnel Code, the Illinois Public Labor Relations Act, and applicable collective bargaining agreements or under any pension, retirement, or annuity plan are not affected by this amendatory Act of the 104th General Assembly. The Commission shall at all times operate with dedicated personnel and employees qualified to execute the day-to-day powers, duties, and responsibilities vested in the Commission by law.

(c) All books, records, papers, documents, property (real and personal), contracts, causes of action, and pending business pertaining to the rights, powers, duties, and responsibilities transferred by this amendatory Act of the 104th General Assembly from the Commission to the Department, including, but not limited to, material in electronic or magnetic format and necessary computer hardware and software, are transferred to the Department.

(d) Any rules that relate to the rights, powers, duties, and responsibilities of the Commission and are in force on the effective date of the changes made to this Section by this Section shall continue in effect until amended or repealed. This amendatory Act of the 104th General Assembly does not affect the legality of any such rules.

(e) This amendatory Act of the 104th General Assembly does not affect any act done, ratified, or canceled, any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal cause by the Commission before the effective date of this Section. Those actions or proceedings shall be continued, in accordance with this amendatory Act of the 104th General Assembly, by the Commission.

(f) The appropriation for the Commission shall be separate from the overall appropriation for the Department. To the extent functions or personnel of the Commission are transferred to the Department under this amendatory Act of the 104th General Assembly, all unexpended appropriations and balances and other funds available for use relating to those functions or personnel shall be transferred for use by the Department. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

(775 ILCS 5/8-112 rep.)

Section 15-10. The Illinois Human Rights Act is amended by repealing Section 8-112.

Article 20.

Section 20-5. The Illinois Human Rights Act is amended by changing Section 2-106 as follows:

(775 ILCS 5/2-106)

Sec. 2-106. <u>Accessibility Committee for Employees with Disabilities, formerly the</u> Interagency Committee on Employees with Disabilities.

(A) As used in this Section:

"State agency" means all officers, boards, commissions, and agencies created by the Constitution in the executive branch; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government and their officers, school districts, and boards of election commissioners; all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor.

"State employee" means an employee of a State agency.

(B) The <u>Accessibility Committee for Employees with Disabilities, formerly named the</u> Interagency Committee on Employees with Disabilities, created under repealed Section 19a of the Personnel Code, is continued as set forth in this Section. The Committee is composed of 18 members as follows: the Chairperson of the Civil Service Commission or his or her designee, the Director of Veterans' Affairs or his or her designee, the Director of Central Management Services or his or her designee, the Secretary of Human Services or his or her designee, the Director of Human Rights or his or her designee, the Director of the Illinois Council on Developmental Disabilities or his or her designee, the Lieutenant Governor or his or her designee, the Attorney General or his or her designee, the Secretary of State or his or her designee, the State Comptroller or his or her designee, the State Treasurer or his or her designee, and 7 State employees with disabilities appointed by and serving at the pleasure of the Governor.

(C) The Director of Human Rights and the Secretary of Human Services shall serve as co-chairpersons of the Committee. The Committee shall meet as often as it deems necessary, but in no case less than 6 times annually at the call of the co-chairpersons. Notice shall be given to the members in writing in advance of a scheduled meeting.

(D) The Department of Human Rights shall provide administrative support to the Committee.

(E) The purposes and functions of the Committee are: (1) to provide a forum where problems of general concern to State employees with disabilities can be raised and methods of their resolution can be suggested to the appropriate State agencies; (2) to provide a clearinghouse of information for State employees with disabilities by working with those agencies to develop and retain such information; (3) to promote affirmative action efforts pertaining to the employment of persons with disabilities by State agencies; and (4) to recommend, where appropriate, means of strengthening the affirmative action programs for employees with disabilities in State agencies.

(F) The Committee shall annually make a complete report to the General Assembly on the Committee's achievements and accomplishments. Such report may also include an evaluation by the Committee of the effectiveness of the hiring and advancement practices in State government.

(G) This amendatory Act of the 99th General Assembly is not intended to disqualify any current member of the Committee from continued membership on the Committee in accordance with the terms of this Section or the member's appointment.

<u>(H) This amendatory Act of the 104th General Assembly is not intended to change the operation, purpose, or function of the Committee and is not intended to disqualify any current member of the Committee from continued membership on the Committee in accordance with the terms of this Section or the member's appointment.</u>

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

Article 25.

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 death, resignation, retirement, or removal, or upon the conclusion of his or her term without reappointment. Within 30 days after such a vacancy occurs, a successor administrative law judge shall be appointed by the Governor, with the advice and consent of the Senate, for the remainder of the current unexpired term for that vacancy. In case of vacancies during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified. No person rejected by the Senate for the office of an administrative law judge under this Section shall, except at the Senate's request, be nominated again for that office at the same session or be appointed to that office during a recess of that Senate.

(d) The Governor may remove an administrative law judge of the Tax Tribunal, after notice and an opportunity to be heard, for incompetency, neglect of duty, inability to perform duties, malfeasance in office, or other good cause.

(e) Each administrative law judge of the Tax Tribunal, including the Chief Administrative Law Judge, shall receive an annual salary equal to that of the Director of the Department of Revenue. The Chief Administrative Law Judge shall receive an additional $15,000 annual stipend. <u>Beginning with the term of the successor Chief Administrative Law Judge in 2029, the</u>

Chief Administrative Law Judge shall no longer receive an additional $15,000 annual stipend.

(f) The Chief Administrative Law Judge shall have sole charge of the administration of the Tax Tribunal and shall apportion among the judges all causes, matters, and proceedings coming before the Tax Tribunal. Each administrative law judge shall exercise the power of the Tax Tribunal.

(g) An administrative law judge may disqualify himself or herself on his or her own motion in any matter, and may be disqualified for any of the causes specified in the Illinois Code of Judicial Conduct.

(Source: P.A. 97-1129, eff. 8-28-12.)

Article 40.

Section 40-5. The Illinois Holocaust and Genocide Commission Act is amended by changing Section 30 as follows:

(20 ILCS 5010/30)

(Section scheduled to be repealed on January 1, 2032)

Sec. 30. Term of public member.

(a) A public member of the Commission serves a term of 4 years, except that the terms of the initial members shall expire on February 1, 2015. Following the expiration of the terms of the initial members of the Commission, the Governor may re-appoint initial members as follows:

(1) five members to terms that expire February 1, 2016;

(2) five members to terms that expire February 1, 2017; and

(3) five members to terms that expire February 1, 2018.

Notwithstanding subsection (c) of this Section, initial members re-appointed to terms that expire on February 1, 2016 or February 1, 2017 may be appointed to a 4-year term following expiration of their re-appointment.

(a-5) Public members of the Commission added under this amendatory Act of the 98th General Assembly shall serve 4-year terms.

(b) A public member is eligible for reappointment ~~to another term or part of a term~~.

(c) (Blank). ~~A public member may not serve more than 2 consecutive full terms. For purposes of this prohibition, a member is considered to have served a full term only if the member has served more than half of a 4-year term.~~

(Source: P.A. 98-793, eff. 7-28-14.)

Section 40-10. The Kaskaskia Regional Port District Act is amended by changing Section 33 as follows:

(70 ILCS 1830/33) (from Ch. 19, par. 533)

Sec. 33. After the expiration of initial terms, such successor shall hold office for the term of 3 years beginning the first day of July of the year in which the term of office commences, and until a successor is appointed and qualified. In the case of a vacancy during the term of office of any member, the Governor shall make an appointment for the remainder of the term vacant and until a successor is appointed and qualified. No more than 8 members of the Board may be affiliated with the same political party at the time of appointment.

(Source: Laws 1967, p. 1184.)

Article 99.

Section 99-95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99-97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99-99. Effective date. This Act takes effect upon becoming law, except that Articles 15 and 20 take effect July 1, 2026 and Article 10 takes effect July 1, 2027.".