



Sen. Julie A. Morrison

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LRB104 04759 JDS 38579 a

1 AMENDMENT TO HOUSE BILL 862

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

4 "Article 5.

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

7 (10 ILCS 5/12A-10)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 amended by changing Sections 15 and 20 as follows:

2 (15 ILCS 323/15)

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

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

11 (15 ILCS 323/20)

12 Sec. 20. Accessible Electronic Information Service Fund.

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

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

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

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

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

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

20 (20 ILCS 210/10.5 new)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (20 ILCS 1305/10-50)

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

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

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

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

22 (20 ILCS 1310/3.5 new)

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

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

7 (20 ILCS 1310/3.2 rep.)

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

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

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

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

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

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

12 (20 ILCS 2105/2105-15)

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

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

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

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

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

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

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

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

3 The Department shall issue a monthly disciplinary
4 report.

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

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

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

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

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

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

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

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

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

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

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

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

6 (b) (Blank).

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

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

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

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

24 (f) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (20 ILCS 2105/2105-15.2 new)

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

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

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

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

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

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

22 Sec. 5.212. The Professional Regulation Evidence Fund.

1 This Section is repealed on January 1, 2027.

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

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

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

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

7 (30 ILCS 105/5.361)

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

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

12 (30 ILCS 105/5.488)

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

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

16 (30 ILCS 105/5.546)

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

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

20 (30 ILCS 105/5.629)

21 Sec. 5.629. The Accessible Electronic Information Service

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

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

3 (30 ILCS 105/5.632)

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

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

7 (30 ILCS 105/5.674)

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

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

12 (30 ILCS 105/5.739)

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

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

16 (30 ILCS 105/5.757)

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

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

21 (30 ILCS 105/5.913)

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

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

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

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

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

1 (30 ILCS 105/6z-39)

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

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

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

22 (30 ILCS 105/6z-131)

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

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

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

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

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

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

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

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

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

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

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

4 This Section is repealed on January 1, 2027.

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

6 (30 ILCS 105/5.408 rep.)

7 (30 ILCS 105/5.700 rep.)

8 (30 ILCS 105/5.704 rep.)

9 (30 ILCS 105/5.774 rep.)

10 (30 ILCS 105/5.829 rep.)

11 (30 ILCS 105/5.959 rep.)

12 (30 ILCS 105/5.992 rep.)

13 (30 ILCS 105/5.997 rep.)

14 (30 ILCS 105/5.1010 rep.)

15 (30 ILCS 105/5.1030 rep.)

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

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

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

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

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

1 (30 ILCS 570/7.10)

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

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

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

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

5 (30 ILCS 750/9-11)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

pledging general revenues of the district.

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

(a) Minimum criteria shall include:

(i) positive cost/benefit ratio;

(ii) demonstrated economic feasibility of the project; and

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

(b) Ranking criteria may include:

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

(ii) product tonnage to be handled;

(iii) product value to be handled;

(iv) soundness of business proposition;

(v) positive intermodal impacts of Illinois transportation system;

(vi) meets overall State transportation objectives;

(vii) economic impact to the State; or

(viii) environmental benefits of the project.

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

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

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

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

21 (35 ILCS 717/Act rep.)

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

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

1 amended by changing Section 4.5 as follows:

2 (50 ILCS 310/4.5)

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

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

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

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

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

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

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

9 This Section is repealed on January 1, 2027.

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

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

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

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

1 ~~Revolving~~ Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (105 ILCS 5/2-3.127a)

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

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

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

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

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

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

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

1 approved by the regional superintendent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (105 ILCS 5/21B-40)

8 Sec. 21B-40. Fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Sec. 22-110. Bullying prevention.

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

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

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

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

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

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

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

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

21 (b) In this Section:

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

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

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

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

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

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

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

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

1 the knowing impersonation of another person as the author of
2 posted content or messages if the creation or impersonation
3 creates any of the effects enumerated in the definition of
4 bullying in this Section. "Cyber-bullying" also includes the
5 distribution by electronic means of a communication to more
6 than one person or the posting of material on an electronic
7 medium that may be accessed by one or more persons if the
8 distribution or posting creates any of the effects enumerated
9 in the definition of bullying in this Section.

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

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

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

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

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

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

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

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

26 (C) Notifying the principal or school

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (c) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Sec. 22-110. Bullying prevention.

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

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

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

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

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

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

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

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

25 (b) In this Section:

26 "Artificial intelligence" has the meaning given to that

1 term in the Digital Voice and Likeness Protection Act.

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

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

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

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

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

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

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

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

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

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

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

26 (1) Includes the bullying definition provided in this

1 Section.

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

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

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

1 within the 24-hour period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (c) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (220 ILCS 5/13-301.3)

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

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

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

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

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

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

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

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

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

1 This Section is repealed on January 1, 2027.

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

3 (220 ILCS 5/13-305)

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

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

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

1 penalties exceed those imposed by the final Commission order.

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

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

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

1 civil penalty provision of this Section.

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

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

8 (220 ILCS 5/13-502.5)

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

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

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

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

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

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

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

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

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

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

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

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

6 (220 ILCS 5/21-1101)

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

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

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

14 (b) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (4) Natural disasters.

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

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

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

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

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

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

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

22 (1) Cable service and video service information:

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

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

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

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

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

14 (2) Low-income household information:

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

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

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

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

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

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

25 (1) Cable service and video service information:

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

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

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

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

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

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

17 (2) Low-income household information:

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

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

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

1 holder's telecommunications service area in the State.

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

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

20 (1) Cable service and video service information:

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

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

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

4 (2) Low-income household information:

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

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

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

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

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

1 changing Section 135 as follows:

2 (225 ILCS 2/135)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (225 ILCS 63/123)

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

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

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

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

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

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

23 Sec. 70-75. Injunctive remedies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (225 ILCS 115/25.18)

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

10 Sec. 25.18. Civil penalties for unlicensed practice.

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

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

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

1 any court of record.

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

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

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

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

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

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

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

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

1 amended by changing Section 22.4 as follows:

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

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

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

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

19 (410 ILCS 655/35)

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

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

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

12 This Section is repealed on January 1, 2028.

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

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

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

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

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

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

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

1 reduced fee.

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

5 (b) All residents before using any commercial fishing
6 device shall obtain a commercial fishing license, the fee
7 for which shall be \$60~~0~~, and a resident fishing license,
8 the fee for which is \$14.50. Each and every commercial
9 device used shall be licensed by a resident commercial
10 fisherman as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 license fee.

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

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

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

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

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

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

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

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

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

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

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

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

17 (605 ILCS 125/20)

18 Sec. 20. DUI memorial markers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (625 ILCS 5/3-679)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (625 ILCS 70/20)

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

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

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

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

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

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

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

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

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

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

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

7 (2) (Blank).

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

15 (b) (Blank).

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

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

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

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

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

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

22 (765 ILCS 77/80 rep.)

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

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

3 (820 ILCS 130/2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (820 ILCS 157/20)

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

20 Sec. 20. Department responsibilities.

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

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

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

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

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

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

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

5 (820 ILCS 185/50)

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

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

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

4 (820 ILCS 192/35)

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

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

17 Article 10.

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

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

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

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

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

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

26 (6) Today, the Guardianship and Advocacy Commission

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

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

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

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

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

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

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

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

13 (15 ILCS 20/50-28)

14 Sec. 50-28. Youth Budget Commission.

15 (a) As used in this Section:

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

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

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

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

24 (2) Treatment/intervention: respond to significant

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

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

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

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

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

14 (2) Safe: creating safer communities.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 immigrants or are children of immigrants;

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

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

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

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

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

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

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

25 Section 10-10. The Youth Homelessness Prevention

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

2 (15 ILCS 60/20)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 The Department on Aging.

8 The Department of Agriculture.

9 The Department of Central Management Services.

10 The Department of Children and Family Services.

11 The Department of Commerce and Economic Opportunity.

12 The Department of Corrections.

13 The Department of Disability Advocacy and
14 Guardianship.

15 The Department of Early Childhood.

16 The Department of Employment Security.

17 The Illinois Emergency Management Agency.

18 The Department of Financial and Professional
19 Regulation.

20 The Department of Healthcare and Family Services.

21 The Department of Human Rights.

22 The Department of Human Services.

23 The Department of Innovation and Technology.

24 The Department of Insurance.

1 The Department of Juvenile Justice.

2 The Department of Labor.

3 The Department of the Lottery.

4 The Department of Natural Resources.

5 The Department of Public Health.

6 The Department of Revenue.

7 The Illinois State Police.

8 The Department of Transportation.

9 The Department of Veterans Affairs.

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

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

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

18 The following officers are hereby created:

19 Director of Aging, for the Department on Aging.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 Director of Juvenile Justice, for the Department of

1 Juvenile Justice.

2 Director of Labor, for the Department of Labor.

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

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

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

9 Director of Revenue, for the Department of Revenue.

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

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

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

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

17 (20 ILCS 5/5-218 new)

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

1 (20 ILCS 5/5-348 new)

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

10 (20 ILCS 5/5-543 new)

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

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

17 (20 ILCS 1370/1-5)

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Sec. 4.3. Site visits and inspections.

18 (a) (Blank).

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

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

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

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

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

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

13 (6) Identify and prevent abuse and neglect.

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

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

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

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

1 in that facility:

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

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

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

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

1 Developmental Disabilities Code.

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

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

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

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

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

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

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

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

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

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

1 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
2 23, 24, 25, 26, 27, 28, 30, 31, 32, 33.5, 34, and 36 and by
3 adding Section 35.5 as follows:

4 (20 ILCS 3955/Act title)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~a successor is appointed and qualified. The length of the~~
2 ~~terms of the original members shall be drawn by lot of the~~
3 ~~first meeting held by the Commission. The members first~~
4 ~~appointed under this amendatory Act of 1984 shall serve for a~~
5 ~~term of 3 years. Thereafter all terms shall be for 3 years,~~
6 ~~with each member serving no more than 2 consecutive terms.~~
7 ~~Vacancies in the membership are to be filled in the same manner~~
8 ~~as original appointments. Appointments to fill vacancies~~
9 ~~occurring before the expiration of a term are for the~~
10 ~~remainder of the unexpired term. A member of the Commission~~
11 ~~shall serve for a term ending on June 30 and until his~~
12 ~~successor is appointed and qualified.~~

13 (c) The Advisory Council ~~Commission~~ shall annually elect a
14 Chair and a Vice-Chair ~~Chairman and any other officers it~~
15 ~~deems necessary. The~~ Advisory Council ~~Commission~~ shall meet at
16 least ~~once every~~ 3 times annually. A majority of the members of
17 the Advisory Council, excluding vacancies, constitutes a
18 quorum ~~months with the times and places of meetings determined~~
19 ~~by the Chairman. Additional meetings may be called by the~~
20 ~~Chairman upon written notice 7 days before the meeting or by~~
21 ~~written petition of 5 members to the Chairman. Six members of~~
22 ~~the Commission constitute a quorum.~~

23 (d) Members of the Advisory Council ~~Commission~~ are not
24 entitled to compensation but shall receive reimbursement for
25 actual expenses incurred in the performance of their duties.

26 (e) The Advisory Council shall advise and make

1 recommendations to the Department for the development of
2 policies and operations that will aid in carrying out the
3 purposes of this Act.

4 (Source: P.A. 83-1538.)

5 (20 ILCS 3955/5) (from Ch. 91 1/2, par. 705)

6 Sec. 5. (a) The Department ~~Commission~~ shall establish
7 throughout the State such regions as it considers appropriate
8 to effectuate the purposes of the Division of Disability
9 Rights and Protections ~~Authority~~ under this Act, taking into
10 account the requirements of State and federal statutes;
11 population; civic, health and social service boundaries; and
12 other pertinent factors.

13 (b) The Department ~~may Commission shall~~ act through its
14 divisions as provided in this Act.

15 (c) The Department ~~Commission~~ shall establish general
16 policy guidelines for the operation of the Division of Legal
17 Advocacy Service, the Division of Disability Human Rights and
18 Protections, ~~Authority~~ and the Division of State Guardian in
19 furtherance of this Act. The policy guidelines shall ensure
20 that each division makes decisions with an appropriate level
21 of independence. Any action taken by a regional board
22 ~~authority~~ is subject to the review and approval of the
23 Director ~~Commission~~. The Director ~~Commission, acting on a~~
24 ~~request from the Director,~~ may disapprove any action of a
25 regional board ~~authority~~, in which case the regional board

1 ~~authority~~ shall cease such action.

2 (d) The Director ~~Commission~~ shall hire ~~a Director and~~
3 staff to carry out the powers and duties of the Department
4 ~~Commission~~ and its divisions pursuant to this Act and the
5 rules and regulations promulgated by the Department
6 ~~Commission~~. All staff, other than the Director, shall be
7 subject to the Personnel Code.

8 (e) (Blank). ~~The Commission shall review and evaluate the~~
9 ~~operations of the divisions.~~

10 (f) The Department ~~Commission~~ shall operate subject to the
11 provisions of the Illinois Procurement Code.

12 (g) The Department ~~Commission~~ shall prepare its budget.

13 (h) The Department ~~Commission~~ shall prepare an annual
14 report on its operations and submit the report to the Governor
15 and the General Assembly.

16 The requirement for reporting to the General Assembly
17 shall be satisfied by filing copies of the report as required
18 by Section 3.1 of the General Assembly Organization Act, and
19 filing such additional copies with the State Government Report
20 Distribution Center for the General Assembly as is required
21 under paragraph (t) of Section 7 of the State Library Act.

22 (i) The Department ~~Commission~~ shall establish rules and
23 regulations for the conduct of the work of its divisions,
24 including rules and regulations for the Division of Legal
25 Advocacy ~~Service~~ and the Division of State Guardian in
26 evaluating an eligible person's or ward's financial resources

1 for the purpose of determining whether the eligible person or
2 ward has the ability to pay for legal or guardianship services
3 received. The determination of the eligible person's financial
4 ability to pay for legal services shall be based upon the
5 number of dependents in the eligible person's family unit and
6 the income, liquid assets and necessary expenses, as
7 prescribed by rule of the Department ~~Commission~~ of: (1) the
8 eligible person; (2) the eligible person's spouse; and (3) the
9 parents of minor eligible persons. The determination of a
10 ward's ability to pay for guardianship services shall be based
11 upon the ward's estate. An eligible person or ward found to
12 have sufficient financial resources shall be required to pay
13 the Department ~~Commission~~ in accordance with standards
14 established by the Department ~~Commission~~. No fees may be
15 charged for legal services given unless the eligible person is
16 given notice at the start of such services that such fees might
17 be charged. No fees may be charged for guardianship services
18 given unless the ward is given notice of the request for fees
19 filed with the probate court and the court approves the amount
20 of fees to be assessed. All fees collected shall be deposited
21 with the State Treasurer and placed in the Guardianship and
22 Advocacy Fund. The Department ~~Commission~~ shall establish rules
23 and regulations regarding the procedures of appeal for clients
24 prior to termination or suspension of legal services. Such
25 rules and regulations shall include, but not be limited to,
26 client notification procedures prior to the actual

1 termination, the scope of issues subject to appeal, and
2 procedures specifying when a final administrative decision is
3 made.

4 (j) The Department ~~Commission~~ shall take such actions as
5 it deems necessary and appropriate to receive private, federal
6 and other public funds to help support the divisions and to
7 safeguard the rights of eligible persons. Private funds and
8 property may be accepted, held, maintained, administered and
9 disposed of by the Department ~~Commission~~, as trustee, for such
10 purposes for the benefit of the People of the State of Illinois
11 pursuant to the terms of the instrument granting the funds or
12 property to the Department ~~Commission~~.

13 (k) The Department ~~Commission~~ may expend funds under the
14 State's plan to protect and advocate the rights of persons
15 with a developmental disability established under the federal
16 Developmental Disabilities Assistance and Bill of Rights Act
17 of 2000 ~~Services and Facilities Construction Act (Public Law~~
18 ~~94-103, Title II)~~. If the Governor designates the Department
19 ~~Commission~~ to be the organization or agency to provide the
20 services called for in the State plan, the Department
21 ~~Commission~~ shall make these protection and advocacy services
22 available to persons with a developmental disability by
23 referral or by contracting for these services to the extent
24 practicable. If the Department ~~Commission~~ is unable to so make
25 available such protection and advocacy services, it shall
26 provide them through persons in its own employ.

1 (1) The Department ~~Commission~~ shall, to the extent funds
2 are available, monitor issues concerning the rights of
3 eligible persons and the care and treatment provided to those
4 persons, including but not limited to the incidence of abuse
5 or neglect of eligible persons. For purposes of that
6 monitoring the Department ~~Commission~~ shall have access to
7 reports of suspected abuse or neglect and information
8 regarding the disposition of such reports, subject to the
9 provisions of the Mental Health and Developmental Disabilities
10 Confidentiality Act.

11 (Source: P.A. 100-1148, eff. 12-10-18.)

12 (20 ILCS 3955/6) (from Ch. 91 1/2, par. 706)

13 Sec. 6. (a) The Department ~~Commission~~ may recommend to any
14 State agency or service provider regulations or procedures for
15 the purpose of safeguarding the rights of eligible persons.
16 The State agency or service provider shall notify the
17 Department ~~Commission~~, within 60 days of the receipt of the
18 recommendations, of the action taken thereon and the reason
19 therefor. The Department ~~Commission~~ shall not make
20 recommendations that ~~which~~ interfere with the proper practice
21 of medical or other professions.

22 (b) The Department ~~Commission~~ may recommend to the General
23 Assembly legislation for the purpose of safeguarding the
24 rights of eligible persons.

25 (c) The Department ~~Commission~~ may take any other action as

1 may be reasonable to carry out the purposes of this Act.

2 (Source: P.A. 80-1487.)

3 (20 ILCS 3955/7) (from Ch. 91 1/2, par. 707)

4 Sec. 7. The Director shall:

5 (1) carry out the policies and programs of the
6 Department; ~~Commission and~~

7 (2) coordinate the activities of the ~~its~~ divisions of
8 the Department; ~~and may delegate to the Human Rights~~
9 ~~Authority Director any duties described in Sections 14,~~
10 ~~15, and 16 of this Act.~~

11 (3) organize and administer programs to provide legal
12 counsel and representation for eligible persons to ensure
13 that their legal rights are protected;

14 (4) examine and delineate the needs of eligible
15 persons for legal counsel and representation and the
16 resources necessary to meet those needs, subject to the
17 approval of the Department; and

18 (5) institute or cause to be instituted legal
19 proceedings as may be necessary to enforce and give effect
20 to any of the duties or powers of the Department or its
21 divisions.

22 (Source: P.A. 96-271, eff. 1-1-10.)

23 (20 ILCS 3955/8) (from Ch. 91 1/2, par. 708)

24 Sec. 8. The Director may delegate to employees of the

1 Department any of the duties described in Section 7 of this
2 Act. shall:

3 ~~(1) Organize and administer programs to provide legal~~
4 ~~counsel and representation for eligible persons so as to~~
5 ~~ensure that their legal rights are protected;~~

6 ~~(2) Examine and delineate the needs of eligible persons~~
7 ~~for legal counsel and representation and the resources~~
8 ~~necessary to meet those needs, subject to the approval of the~~
9 ~~Commission; and~~

10 ~~(3) Institute or cause to be instituted such legal~~
11 ~~proceedings as may be necessary to enforce and give effect to~~
12 ~~any of the duties or powers of the Commission or its divisions.~~

13 (Source: P.A. 80-1487.)

14 (20 ILCS 3955/10) (from Ch. 91 1/2, par. 710)

15 Sec. 10. The Division of Legal Advocacy Service shall:

16 (1) Make available legal counsel to eligible persons in
17 judicial proceedings arising out of the "Mental Health and
18 Developmental Disabilities Code", enacted by the Eightieth
19 General Assembly, as now or hereafter amended, including but
20 not limited to admission, civil commitment, involuntary
21 treatment, ~~legal competency~~ and discharge;

22 (2) Make available or provide legal counsel and
23 representation to eligible persons to enforce rights or duties
24 arising out of any mental health or related laws, local, State
25 or federal.

1 (Source: P.A. 80-1487.)

2 (20 ILCS 3955/11) (from Ch. 91 1/2, par. 711)

3 Sec. 11. The Division of Legal Advocacy ~~Service~~ shall make
4 available counsel for eligible persons by referral or by
5 contracting for legal services to the extent practicable. The
6 Division of Legal Advocacy ~~Service~~ shall make a good faith
7 effort to assist eligible persons to engage private counsel,
8 and to contact private counsel for eligible persons whose
9 disabilities limit their capacity to independently contact
10 private counsel. If the Division of Legal Advocacy ~~Service~~ is
11 unable to so make available counsel, it shall provide
12 attorneys in its own employ. Taking into consideration the
13 availability of private counsel in the eligible person's local
14 area, the Department ~~Commission~~ shall establish, by rule, the
15 standards and procedures by which it will attempt to assist
16 eligible persons to engage private counsel.

17 (Source: P.A. 84-1358.)

18 (20 ILCS 3955/12) (from Ch. 91 1/2, par. 712)

19 Sec. 12. A Legal Advocacy ~~Service~~ attorney shall:

20 (1) have ready access to view and copy all mental health
21 records pertaining to his client, ~~as provided in the "Mental~~
22 ~~Health and Developmental Disabilities Confidentiality Act",~~
23 ~~enacted by the Eightieth General Assembly, as now or hereafter~~
24 ~~amended,~~ and such other records to which he is permitted

1 access; and

2 (2) have the opportunity to consult with his client
3 whenever necessary for the performance of his duties. Service
4 providers shall provide adequate space and privacy for the
5 purpose of attorney-client consultation. No attorney shall
6 have the right to visit eligible persons or look at their
7 records for the purpose of soliciting cases for
8 representation.

9 (Source: P.A. 80-1487.)

10 (20 ILCS 3955/13) (from Ch. 91 1/2, par. 713)

11 Sec. 13. Nothing in this Act shall be construed to
12 prohibit an eligible person from being represented by
13 privately retained counsel or from waiving his right to an
14 attorney in proceedings under the "Mental Health and
15 Developmental Disabilities Code", approved by the Eightieth
16 General Assembly, as now or hereafter amended, or as otherwise
17 provided by law. If a Legal Advocacy ~~Service~~ attorney has been
18 appointed by a court and the eligible person secures his own
19 counsel or is permitted to self-represent, the court shall
20 discharge the Legal Advocacy ~~Service~~ attorney.

21 (Source: P.A. 80-1487.)

22 (20 ILCS 3955/14) (from Ch. 91 1/2, par. 714)

23 Sec. 14. Each regional board ~~authority~~ shall consist of at
24 least 7 members and no more than 9 members appointed by the

1 Director, in accordance with this Section. Each regional board
2 ~~authority~~ shall include insofar as possible one professionally
3 knowledgeable and broadly experienced employee or officer of a
4 provider of each of the following services: mental health,
5 developmental disabilities, and vocational rehabilitation. No
6 other employee or officer of a service provider shall be
7 appointed to a regional board ~~authority~~. In making
8 appointments, the Director shall strive to ensure
9 representation of minority groups and of eligible persons, and
10 shall give due consideration to recommendations of persons and
11 groups assisting eligible persons. The Director may remove for
12 incompetence, neglect of duty, or malfeasance in office any
13 member of a regional board ~~authority~~. Each member of a
14 regional board shall become a member of a regional board while
15 retaining the existing end date of the member's current term.
16 All terms shall be for 3 years, with each member serving no
17 more than 2 consecutive terms, including terms as a member of a
18 regional authority of the Guardianship and Advocacy Commission
19 immediately preceding the creation of the Department. No
20 member shall serve for more than 2 full consecutive 3-year
21 terms. A quorum shall consist of a majority of appointed
22 members, excluding vacancies ~~All actions taken by the Director~~
23 ~~to appoint or remove members shall be reported to the~~
24 ~~Commission at the next scheduled Commission meeting.~~

25 Each regional board ~~authority~~ shall annually elect a Chair
26 ~~chairman~~ and any other officers it deems necessary. ~~Members of~~

1 ~~the regional authorities shall serve for a term of 3 years,~~
2 ~~except that the terms of the first appointees shall be as~~
3 ~~follows: 3 members serving for a 1 year term; 3 members serving~~
4 ~~for a 2 year term; and 3 members serving for a 3 year term.~~
5 ~~Assignment of terms of such first appointees shall be by lot.~~
6 ~~No member shall serve for more than 2 consecutive 3 year terms.~~
7 ~~A quorum shall consist of a majority of appointed members.~~

8 Vacancies in the regional board ~~authorities~~ shall be
9 filled by the Director. Appointments to fill vacancies
10 occurring before the expiration of a term are for the
11 remainder of the unexpired term ~~in the same manner as original~~
12 ~~appointments.~~

13 Members of the regional board ~~authorities~~ shall serve
14 without compensation but shall be reimbursed for actual
15 expenses incurred in the performance of their duties.

16 Each regional board ~~authority~~ shall meet not less than
17 once every 2 months. Meetings may also be held upon call of the
18 Regional Chair ~~Chairman~~ or upon written request of a majority
19 of the appointed ~~any 5~~ members of the regional board,
20 excluding vacancies ~~authority.~~

21 (Source: P.A. 104-273, eff. 1-1-26.)

22 (20 ILCS 3955/15) (from Ch. 91 1/2, par. 715)

23 Sec. 15. A regional board that ~~authority which~~ receives a
24 complaint alleging that the rights of an eligible person have
25 been violated in the region in which the regional board

1 ~~authority~~ sits, shall conduct an investigation unless it
2 determines that the complaint is frivolous or beyond the scope
3 of its authority or competence, or unless the Director finds
4 that a conflict of interest exists and directs another
5 regional board ~~authority~~ to conduct the investigation. The
6 regional board ~~authority~~ shall inform the complainant of
7 whether it will conduct an investigation, and if not, the
8 reason therefor. The regional board ~~authority~~ may advise a
9 complainant as to other remedies which may be available.
10 Reassignments of investigations for conflicts of interest and
11 refusals to investigate shall be reviewed and approved by the
12 Director ~~and the Director may seek direction from the~~
13 ~~Commission.~~

14 (Source: P.A. 96-271, eff. 1-1-10.)

15 (20 ILCS 3955/16) (from Ch. 91 1/2, par. 716)

16 Sec. 16. A regional board ~~authority~~ may conduct
17 investigations upon its own initiative if it has reason to
18 believe that the rights of an eligible person have been
19 violated in the region in which the regional board ~~authority~~
20 sits, unless the Director finds that a conflict of interest
21 exists and directs another regional board ~~authority~~ to conduct
22 the investigation.

23 (Source: P.A. 96-271, eff. 1-1-10.)

24 (20 ILCS 3955/17) (from Ch. 91 1/2, par. 717)

1 Sec. 17. In the course of an investigation, a regional
2 board ~~authority~~ may enter and inspect the premises of a
3 service provider or State agency and question privately any
4 person therein within reasonable limits and in a reasonable
5 manner. Whenever possible, prior notice shall be given the
6 parties regarding the nature, location, and persons involved
7 in a particular investigation.

8 (Source: P.A. 80-1416.)

9 (20 ILCS 3955/18) (from Ch. 91 1/2, par. 718)

10 Sec. 18. In the course of an investigation, a regional
11 board ~~authority~~ may inspect and copy any materials relevant to
12 the investigation in the possession of a service provider or
13 state agency. However, a regional board ~~authority~~ may not
14 inspect or copy materials containing personally identifiable
15 data which cannot ~~can not~~ be removed without imposing an
16 unreasonable burden on the service provider or State agency,
17 except as provided herein. The regional board ~~authority~~ shall
18 give written notice to the person entitled to give consent for
19 the identifiable eligible person under Section 5 of the
20 "Mental Health and Developmental Disabilities Confidentiality
21 Act", enacted by the Eightieth General Assembly, as now or
22 hereafter amended, or under any other relevant law, that it is
23 conducting an investigation and indicating the nature and
24 purpose of the investigation and the need to inspect and copy
25 materials containing data that identifies the eligible person.

1 If the person notified objects in writing to such inspection
2 and copying, the regional board ~~authority~~ may not inspect or
3 copy such materials. The service provider or State agency may
4 not object on behalf of an eligible person.

5 (Source: P.A. 80-1487.)

6 (20 ILCS 3955/19) (from Ch. 91 1/2, par. 719)

7 Sec. 19. No regional board ~~authority~~ may disclose to any
8 person any materials which identify an eligible person unless
9 the eligible person or legally authorized person consents to
10 such disclosure, except if and to the extent that disclosure
11 may be necessary for the appointment of a guardian for such
12 eligible person.

13 (Source: P.A. 80-1487.)

14 (20 ILCS 3955/20) (from Ch. 91 1/2, par. 720)

15 Sec. 20. A regional board ~~authority~~ may conduct hearings
16 and compel by subpoena the attendance and testimony of such
17 witnesses and the production of such materials as are
18 necessary or desirable for its investigation.

19 (Source: P.A. 80-1487.)

20 (20 ILCS 3955/21) (from Ch. 91 1/2, par. 721)

21 Sec. 21. A regional board ~~authority~~ may, subject to the
22 provisions of the Open Meetings Act, conduct closed meetings
23 and hearings when necessary to ensure confidentiality or to

1 protect the rights of any eligible person or provider of
2 services or other person. However, it shall make public a
3 summary of business conducted during any such meeting or
4 hearing. Such summary shall not contain personally
5 identifiable data.

6 (Source: P.A. 96-271, eff. 1-1-10.)

7 (20 ILCS 3955/22) (from Ch. 91 1/2, par. 722)

8 Sec. 22. During the course of an investigation, the
9 regional board ~~authority~~ shall periodically inform the
10 complainant, or provider and any eligible person involved of
11 the status of the investigation.

12 (Source: P.A. 80-1487.)

13 (20 ILCS 3955/23) (from Ch. 91 1/2, par. 723)

14 Sec. 23. If a regional board ~~authority~~ finds that:

- 15 A. a matter should be further considered;
16 B. an act investigated should be modified or cancelled;
17 C. a statute or regulation should be altered;
18 D. reasons should be given for an act; or
19 E. any other action should be taken;

20 it shall report its recommendations to the State agency,
21 service provider or other person investigated. Such person
22 investigated shall notify the regional board ~~authority~~, within
23 30 days of the receipt of such recommendations, of the action
24 taken thereon and the reason therefor.

1 (Source: P.A. 80-1416.)

2 (20 ILCS 3955/24) (from Ch. 91 1/2, par. 724)

3 Sec. 24. If a regional board ~~authority~~ determines that
4 further action is required, it may refer a matter to the
5 Director ~~Commission~~ or another division of the Department
6 ~~thereof~~, and any federal, State, or local agency, or other
7 persons, as it may deem appropriate and as approved by the
8 Director, ~~as it may deem appropriate and as approved by the~~
9 ~~Director~~.

10 (Source: P.A. 96-271, eff. 1-1-10.)

11 (20 ILCS 3955/25) (from Ch. 91 1/2, par. 725)

12 Sec. 25. Within 10 days of the completion of its
13 investigation, the regional board ~~authority~~ shall inform the
14 complainant and the eligible person involved of the outcome of
15 its investigation and of any action taken thereon.

16 (Source: P.A. 80-1487.)

17 (20 ILCS 3955/26) (from Ch. 91 1/2, par. 726)

18 Sec. 26. Subject to the provisions of Section 19, a
19 regional board ~~authority~~ may make public its findings and
20 recommendations. It shall include in any such public statement
21 any reply made by the State agency, service provider, or other
22 person investigated that has requested that the reply be so
23 included. The State agency, service provider, or other person

1 investigated ~~provider or person~~ shall have opportunity to
2 review and object to any proposed public findings and
3 recommendations. If the State agency, service provider, or
4 other person investigated requests, the objections shall be
5 included with public findings and recommendations issued by
6 the regional board ~~authority~~ in the ~~this~~ matter.

7 (Source: P.A. 80-1416.)

8 (20 ILCS 3955/27) (from Ch. 91 1/2, par. 727)

9 Sec. 27. A regional board ~~authority~~ may, ~~by acting through~~
10 ~~the Director,~~ propose to the Department Commission legislation
11 for the purpose of safeguarding the rights of eligible
12 persons.

13 (Source: P.A. 96-271, eff. 1-1-10.)

14 (20 ILCS 3955/28) (from Ch. 91 1/2, par. 728)

15 Sec. 28. A regional board ~~authority~~ may take such other
16 action as may be reasonable and appropriate to carry out the
17 purposes of this Act.

18 (Source: P.A. 80-1416.)

19 (20 ILCS 3955/30) (from Ch. 91 1/2, par. 730)

20 Sec. 30. When appointed by the court pursuant to the
21 "~~Probate Act of 1975~~", ~~approved August 7, 1975~~, as now or
22 hereafter amended, the Division of State Guardian shall serve
23 as guardian, either plenary or limited; temporary guardian;

1 testamentary guardian; or successor guardian~~r~~ of the person or
2 the estate, or both, of a ward. If nomination is testamentary
3 the Division of State Guardian shall be notified in writing at
4 the time of the death of the testator. The Division ~~Office~~ of
5 State Guardian may file a petition for its own appointment, or
6 for the appointment of any other person, if the Division of
7 State Guardian determines that the filing of the petition may
8 avoid the need for State guardianship. In addition, the
9 Division of State Guardian may assist the court, as the court
10 may request, in proceedings for the appointment of a guardian
11 and in the supervision of persons and agencies which have been
12 appointed as guardians.

13 (Source: P.A. 89-396, eff. 8-20-95.)

14 (20 ILCS 3955/31) (from Ch. 91 1/2, par. 731)

15 Sec. 31. Appointment; availability of Division of State
16 Guardian; available private guardian.

17 (a) The Division of State Guardian shall not be appointed
18 if another suitable person is available and willing to accept
19 the guardianship appointment. In all cases where a court
20 appoints the Division of State Guardian, the court shall
21 indicate in the order appointing the guardian as a finding of
22 fact that no other suitable and willing person could be found
23 to accept the guardianship appointment. On and after the
24 effective date of the ~~this~~ amendatory Act of the 97th General
25 Assembly, the court shall also indicate in the order, as a

1 finding of fact, the reasons that the Division of State
2 Guardian appointment, rather than the appointment of another
3 interested party, is required. This requirement shall be
4 waived where the Division ~~Office~~ of State Guardian petitions
5 for its own appointment as guardian.

6 (b) In all cases in which the Division of State Guardian
7 has been appointed to prior to or after the effective date of
8 the changes made to this Section by this amendatory Act of the
9 104th General Assembly, the Division of State Guardian shall
10 be recognized as a division of the Department. Any reference
11 in law, regulation, order, or appointment to the State
12 Guardian or Office of State Guardian as a division of the
13 Guardianship and Advocacy Commission shall be deemed to refer
14 to the State Guardian as a division of the Department of
15 Disability Advocacy and Guardianship. This subsection applies
16 retroactively and prospectively to all appointments, actions,
17 and proceedings involving the State Guardian or its wards.

18 (Source: P.A. 97-1093, eff. 1-1-13.)

19 (20 ILCS 3955/32) (from Ch. 91 1/2, par. 732)

20 Sec. 32. The Division of State Guardian shall have the
21 same powers and duties as a private guardian as provided in
22 Article XIa of the Probate Act of 1975, ~~approved August 7,~~
23 ~~1975~~. The State Guardian shall not provide direct residential
24 services to its wards. The State Guardian shall visit and
25 consult with its wards at least four times a year for as long

1 as the guardianship continues.

2 (Source: P.A. 80-1416.)

3 (20 ILCS 3955/33.5)

4 Sec. 33.5. Guardianship training program. The State
5 Guardian shall provide a training program that outlines the
6 duties and responsibilities of guardians appointed under
7 Article XIa of the Probate Act of 1975. The training program
8 shall be offered to courts at no cost, and shall outline the
9 duties ~~responsibilities~~ of a guardian and the rights of a
10 person under guardianship. The training program shall have 2
11 components: one for guardians of the person and another for
12 guardians of the estate. The State Guardian shall determine
13 the content of the training. The component for guardians of
14 the person shall include content regarding Alzheimer's disease
15 and dementia, including, but not limited to, the following
16 topics: effective communication strategies; best practices for
17 interacting with people living with Alzheimer's disease or
18 related forms of dementia; and strategies for supporting
19 people living with Alzheimer's disease or related forms of
20 dementia in exercising their rights. In developing the
21 training program content, the State Guardian shall consult
22 with the courts, State and national guardianship
23 organizations, public guardians, advocacy organizations, and
24 persons and family members with direct experience with adult
25 guardianship. In the preparation and dissemination of training

1 materials, the State Guardian shall give due consideration to
2 making the training materials accessible to persons with
3 disabilities.

4 (Source: P.A. 103-64, eff. 1-1-24; 104-237, eff. 1-1-26.)

5 (20 ILCS 3955/34) (from Ch. 91 1/2, par. 734)

6 Sec. 34. A person, including a private citizen or employee
7 of a service provider, who, in good faith, files a complaint
8 with or provides information to the Department or any of its
9 divisions ~~Commission or any division thereof, including~~
10 ~~private citizens and employees of service providers,~~ shall not
11 be subject to any penalties, sanctions, or restrictions as a
12 consequence of filing the complaint or providing the
13 information.

14 (Source: P.A. 80-1416.)

15 (20 ILCS 3955/35.5 new)

16 Sec. 35.5. Applicability to employee status. Nothing in
17 this amendatory Act of the 104th General Assembly affects or
18 otherwise changes the status and rights of any employees of
19 the Guardianship and Advocacy Commission who are covered under
20 the Personnel Code, the Illinois Public Labor Relations Act,
21 an applicable collective bargaining agreement, or a pension,
22 retirement, or annuity plan.

23 (20 ILCS 3955/36) (from Ch. 91 1/2, par. 736)

1 Sec. 36. Rules and regulations adopted by the Department
2 ~~Commission~~ pursuant to authority granted under this Act shall
3 be subject to the provisions of the Illinois Administrative
4 Procedure Act.

5 (Source: P.A. 84-1358.)

6 (20 ILCS 3955/35 rep.)

7 Section 10-33. The Guardianship and Advocacy Act is
8 amended by repealing Section 35.

9 Section 10-35. The Persons with Disabilities on State
10 Agency Boards Act is amended by changing Section 10 as
11 follows:

12 (20 ILCS 4007/10)

13 Sec. 10. Definitions. As used in this Act, unless the
14 context requires otherwise:

15 "Disability" means a physical or mental characteristic
16 resulting from disease, injury, congenital condition of birth,
17 or functional disorder, the history of such a characteristic,
18 or the perception of such a characteristic, when the
19 characteristic results in substantial functional limitations
20 in 3 or more of the following areas of major life activity:
21 self care, fine motor skills, mobility, vision, respiration,
22 learning, work, receptive and expressive language (hearing and
23 speaking), self direction, capacity for independent living,

1 and economic sufficiency.

2 "State human services agency" means the following:

3 (1) The Citizens Council on Mental Health and
4 Developmental Disabilities created under Article 11A of
5 the Legislative Commission Reorganization Act of 1984.

6 (2) Advisory councils created by the Department of
7 Human Rights under Section 7-107 of the Illinois Human
8 Rights Act.

9 (3) The Department of Disability Advocacy and
10 Guardianship and Advocacy Commission created under the
11 Guardianship and Advocacy Act.

12 (4) (Blank).

13 (Source: P.A. 100-866, eff. 8-14-18.)

14 Section 10-45. The State Finance Act is amended by
15 changing Section 6z-22 as follows:

16 (30 ILCS 105/6z-22) (from Ch. 127, par. 142z-22)

17 Sec. 6z-22. All fees or other monies received by the
18 Department of Disability Advocacy and Guardianship ~~and~~
19 ~~Advocacy Commission~~ incident to the provision of legal or
20 guardianship services to eligible persons or wards pursuant to
21 subsection (i) of Section 5 of the Guardianship and Advocacy
22 Act shall be paid into the Guardianship and Advocacy Fund.

23 Appropriations for the improvement, development, addition
24 or expansion of legal and guardianship services for eligible

1 persons or wards pursuant to Section 5 of the Guardianship and
2 Advocacy Act or for the financing of any program designed to
3 provide such improvement, development, addition or expansion
4 of services or for expenses incurred in administering the
5 Division of Human Rights Authority, Legal Advocacy, the
6 Division of Disability Rights and Protections, and the
7 Division Service and Office of State Guardian are payable from
8 the Guardianship and Advocacy Fund.

9 (Source: P.A. 86-448; 86-1028.)

10 Section 10-50. The Public Interest Attorney Assistance Act
11 is amended by changing Section 15 as follows:

12 (110 ILCS 916/15)

13 Sec. 15. Definitions. For the purposes of this Act:

14 "Assistant State's Attorney" means a full-time employee of
15 a State's Attorney in Illinois or the State's Attorneys
16 Appellate Prosecutor who is continually licensed to practice
17 law and prosecutes or defends cases on behalf of the State or a
18 county.

19 "Assistant Attorney General" means a full-time employee of
20 the Illinois Attorney General who is continually licensed to
21 practice law and prosecutes or defends cases on behalf of the
22 State.

23 "Assistant Public Defender" means a full-time employee of
24 a Public Defender in Illinois or the State Appellate Defender

1 who is continually licensed to practice law and provides legal
2 representation to indigent persons, as provided by statute.

3 "Assistant public guardian" means a full-time employee of
4 a public guardian in Illinois who is continually licensed to
5 practice law and provides legal representation pursuant to
6 court appointment.

7 "Civil legal aid" means free or reduced-cost legal
8 representation or advice to low-income clients in non-criminal
9 matters.

10 "Civil legal aid attorney" means an attorney who is
11 continually licensed to practice law and is employed full time
12 as an attorney at a civil legal aid organization in Illinois.

13 "Civil legal aid organization" means a not-for-profit
14 corporation in Illinois that (i) is exempt from the payment of
15 federal income tax pursuant to Section 501(c)(3) of the
16 Internal Revenue Code, (ii) is established for the purpose of
17 providing legal services that include civil legal aid, (iii)
18 employs 2 or more full-time attorneys who are licensed to
19 practice law in this State and who directly provide civil
20 legal aid, and (iv) is in compliance with registration and
21 filing requirements that are applicable under the Charitable
22 Trust Act and the Solicitation for Charity Act.

23 "Commission" means the Illinois Student Assistance
24 Commission.

25 "Committee" means the advisory committee created under
26 Section 20 of this Act.

1 "Eligible debt" means outstanding principal, interest, and
2 related fees from loans obtained for undergraduate, graduate,
3 or law school educational expenses made by government or
4 commercial lending institutions or educational institutions.

5 "Eligible debt" excludes loans made by a private individual or
6 family member.

7 "Department of Disability Advocacy and Guardianship ~~ICAC~~
8 attorney" means a full-time employee of the Department of
9 Disability ~~Illinois Guardianship and Advocacy and Guardianship~~
10 ~~Commission~~, including the Division ~~Office~~ of State Guardian,
11 the Division of Legal Advocacy ~~Service~~, and the Division of
12 Disability ~~Human~~ Rights and Protections ~~Authority~~, who is
13 continually licensed to practice law and provides legal
14 representation to carry out the responsibilities of the
15 Department of Disability Advocacy and ~~Illinois~~ Guardianship
16 ~~and Advocacy Commission~~.

17 "Legislative attorney" means a full-time employee of the
18 Illinois Senate, the Illinois House of Representatives, or the
19 Illinois Legislative Reference Bureau who is continually
20 licensed to practice law and provides legal advice to members
21 of the General Assembly.

22 "Program" means the Public Interest Attorney Loan
23 Repayment Assistance Program.

24 "Public interest attorney" means an attorney practicing in
25 Illinois who is an assistant State's Attorney, assistant
26 Public Defender, civil legal aid attorney, assistant Attorney

1 General, assistant public guardian, Department of Disability
2 Advocacy and Guardianship ~~ICAC~~ attorney, or legislative
3 attorney.

4 "Qualifying employer" means (i) an Illinois State's
5 Attorney or the State's Attorneys Appellate Prosecutor, (ii)
6 an Illinois Public Defender or the State Appellate Defender,
7 (iii) an Illinois civil legal aid organization, (iv) the
8 Illinois Attorney General, (v) an Illinois public guardian,
9 (vi) the Department of Disability Advocacy and Illinois
10 Guardianship and Advocacy Commission, (vii) the Illinois
11 Senate, (viii) the Illinois House of Representatives, or (ix)
12 the Illinois Legislative Reference Bureau.

13 (Source: P.A. 96-615, eff. 1-1-10; 96-768, eff. 1-1-10.)

14 Section 10-55. The Abused and Neglected Long Term Care
15 Facility Residents Reporting Act is amended by changing
16 Sections 4 and 6 as follows:

17 (210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

18 Sec. 4. Any long term care facility administrator, agent
19 or employee or any physician, hospital, surgeon, dentist,
20 osteopath, chiropractor, podiatric physician, accredited
21 religious practitioner who provides treatment by spiritual
22 means alone through prayer in accordance with the tenets and
23 practices of the accrediting church, coroner, social worker,
24 social services administrator, registered nurse, law

1 enforcement officer, field personnel of the Department of
2 Healthcare and Family Services, field personnel of the
3 Illinois Department of Public Health and County or Municipal
4 Health Departments, personnel of the Department of Human
5 Services (acting as the successor to the Department of Mental
6 Health and Developmental Disabilities or the Department of
7 Public Aid), personnel of the Department of Disability
8 Advocacy and Guardianship (acting as the successor to the
9 Guardianship and Advocacy Commission), personnel of the State
10 Fire Marshal, local fire department inspectors or other
11 personnel, or personnel of the Illinois Department on Aging,
12 or its subsidiary Agencies on Aging, or employee of a facility
13 licensed under the Assisted Living and Shared Housing Act,
14 having reasonable cause to believe any resident with whom they
15 have direct contact has been subjected to abuse or neglect
16 shall immediately report or cause a report to be made to the
17 Department. Persons required to make reports or cause reports
18 to be made under this Section include all employees of the
19 State of Illinois who are involved in providing services to
20 residents, including professionals providing medical or
21 rehabilitation services and all other persons having direct
22 contact with residents; and further include all employees of
23 community service agencies who provide services to a resident
24 of a public or private long term care facility outside of that
25 facility. Any long term care surveyor of the Illinois
26 Department of Public Health who has reasonable cause to

1 believe in the course of a survey that a resident has been
2 abused or neglected and initiates an investigation while on
3 site at the facility shall be exempt from making a report under
4 this Section but the results of any such investigation shall
5 be forwarded to the central register in a manner and form
6 described by the Department.

7 The requirement of this Act shall not relieve any
8 long-term ~~long-term~~ care facility administrator, agent or
9 employee of responsibility to report the abuse or neglect of a
10 resident under Section 3-610 of the Nursing Home Care Act or
11 under Section 3-610 of the ID/DD Community Care Act or under
12 Section 3-610 of the MC/DD Act or under Section 2-107 of the
13 Specialized Mental Health Rehabilitation Act of 2013.

14 In addition to the above persons required to report
15 suspected resident abuse and neglect, any other person may
16 make a report to the Department, or to any law enforcement
17 officer, if such person has reasonable cause to suspect a
18 resident has been abused or neglected.

19 This Section also applies to residents whose death occurs
20 from suspected abuse or neglect before being found or brought
21 to a hospital.

22 A person required to make reports or cause reports to be
23 made under this Section who fails to comply with the
24 requirements of this Section is guilty of a Class A
25 misdemeanor.

26 (Source: P.A. 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;

1 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

2 (210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

3 Sec. 6. All reports of suspected abuse or neglect made
4 under this Act shall be made immediately by telephone to the
5 Department's central register established under Section 14 on
6 the single, State-wide, toll-free telephone number established
7 under Section 13, or in person or by telephone through the
8 nearest Department office. No long-term ~~long-term~~ care
9 facility administrator, agent or employee, or any other
10 person, shall screen reports or otherwise withhold any reports
11 from the Department, and no long-term ~~long-term~~ care facility,
12 department of State government, or other agency shall
13 establish any rules, criteria, standards or guidelines to the
14 contrary. Every long-term ~~long-term~~ care facility, department
15 of State government and other agency whose employees are
16 required to make or cause to be made reports under Section 4
17 shall notify its employees of the provisions of that Section
18 and of this Section, and provide to the Department
19 documentation that such notification has been given. The
20 Department of Human Services shall train all of its mental
21 health and developmental disabilities employees in the
22 detection and reporting of suspected abuse and neglect of
23 residents. Reports made to the central register through the
24 State-wide, toll-free telephone number shall be transmitted to
25 appropriate Department offices and municipal health

1 departments that have responsibility for licensing long term
2 care facilities under the Nursing Home Care Act, the
3 Specialized Mental Health Rehabilitation Act of 2013, the
4 ID/DD Community Care Act, or the MC/DD Act. All reports
5 received through offices of the Department shall be forwarded
6 to the central register, in a manner and form described by the
7 Department. The Department shall be capable of receiving
8 reports of suspected abuse and neglect 24 hours a day, 7 days a
9 week. Reports shall also be made in writing deposited in the
10 U.S. mail, postage prepaid, within 24 hours after having
11 reasonable cause to believe that the condition of the resident
12 resulted from abuse or neglect. Such reports may in addition
13 be made to the local law enforcement agency in the same manner.
14 However, in the event a report is made to the local law
15 enforcement agency, the reporter also shall immediately so
16 inform the Department. The Department shall initiate an
17 investigation of each report of resident abuse and neglect
18 under this Act, whether oral or written, as provided for in
19 Section 3-702 of the Nursing Home Care Act, Section 2-208 of
20 the Specialized Mental Health Rehabilitation Act of 2013,
21 Section 3-702 of the ID/DD Community Care Act, or Section
22 3-702 of the MC/DD Act, except that reports of abuse which
23 indicate that a resident's life or safety is in imminent
24 danger shall be investigated within 24 hours of such report.
25 The Department may delegate to law enforcement officials or
26 other public agencies the duty to perform such investigation.

1 With respect to investigations of reports of suspected
2 abuse or neglect of residents of mental health and
3 developmental disabilities institutions under the jurisdiction
4 of the Department of Human Services, the Department shall
5 transmit copies of such reports to the Illinois State Police,
6 the Department of Human Services, and the Inspector General
7 appointed under Section 1-17 of the Department of Human
8 Services Act. If the Department receives a report of suspected
9 abuse or neglect of a recipient of services as defined in
10 Section 1-123 of the Mental Health and Developmental
11 Disabilities Code, the Department shall transmit copies of
12 such report to the Inspector General and the Director
13 ~~Directors of the Disability Advocacy and~~ Guardianship ~~and~~
14 ~~Advocacy Commission~~ and the agency designated by the Governor
15 pursuant to the Protection and Advocacy for Persons with
16 Developmental Disabilities Act. When requested by the Director
17 of ~~the Disability Advocacy and~~ Guardianship ~~and Advocacy~~
18 ~~Commission~~, the agency designated by the Governor pursuant to
19 the Protection and Advocacy for Persons with Developmental
20 Disabilities Act, or the Department of Financial and
21 Professional Regulation, the Department, the Department of
22 Human Services and the Illinois State Police shall make
23 available a copy of the final investigative report regarding
24 investigations conducted by their respective agencies on
25 incidents of suspected abuse or neglect of residents of mental
26 health and developmental disabilities institutions or

1 individuals receiving services at community agencies under the
2 jurisdiction of the Department of Human Services. Such final
3 investigative report shall not contain witness statements,
4 investigation notes, draft summaries, results of lie detector
5 tests, investigative files or other raw data which was used to
6 compile the final investigative report. Specifically, the
7 final investigative report of the Illinois State Police shall
8 mean the Director's final transmittal letter. The Department
9 of Human Services shall also make available a copy of the
10 results of disciplinary proceedings of employees involved in
11 incidents of abuse or neglect to the Directors. All
12 identifiable information in reports provided shall not be
13 further disclosed except as provided by the Mental Health and
14 Developmental Disabilities Confidentiality Act. Nothing in
15 this Section is intended to limit or construe the power or
16 authority granted to the agency designated by the Governor
17 pursuant to the Protection and Advocacy for Persons with
18 Developmental Disabilities Act, pursuant to any other State or
19 federal statute.

20 With respect to investigations of reported resident abuse
21 or neglect, the Department shall effect with appropriate law
22 enforcement agencies formal agreements concerning methods and
23 procedures for the conduct of investigations into the criminal
24 histories of any administrator, staff assistant or employee of
25 the nursing home or other person responsible for the residents
26 care, as well as for other residents in the nursing home who

1 may be in a position to abuse, neglect or exploit the patient.
2 Pursuant to the formal agreements entered into with
3 appropriate law enforcement agencies, the Department may
4 request information with respect to whether the person or
5 persons set forth in this paragraph have ever been charged
6 with a crime and if so, the disposition of those charges.
7 Unless the criminal histories of the subjects involved crimes
8 of violence or resident abuse or neglect, the Department shall
9 be entitled only to information limited in scope to charges
10 and their dispositions. In cases where prior crimes of
11 violence or resident abuse or neglect are involved, a more
12 detailed report can be made available to authorized
13 representatives of the Department, pursuant to the agreements
14 entered into with appropriate law enforcement agencies. Any
15 criminal charges and their disposition information obtained by
16 the Department shall be confidential and may not be
17 transmitted outside the Department, except as required herein,
18 to authorized representatives or delegates of the Department,
19 and may not be transmitted to anyone within the Department who
20 is not duly authorized to handle resident abuse or neglect
21 investigations.

22 The Department shall effect formal agreements with
23 appropriate law enforcement agencies in the various counties
24 and communities to encourage cooperation and coordination in
25 the handling of resident abuse or neglect cases pursuant to
26 this Act. The Department shall adopt and implement methods and

1 procedures to promote statewide uniformity in the handling of
2 reports of abuse and neglect under this Act, and those methods
3 and procedures shall be adhered to by personnel of the
4 Department involved in such investigations and reporting. The
5 Department shall also make information required by this Act
6 available to authorized personnel within the Department, as
7 well as its authorized representatives.

8 The Department shall keep a continuing record of all
9 reports made pursuant to this Act, including indications of
10 the final determination of any investigation and the final
11 disposition of all reports.

12 The Department shall report annually to the General
13 Assembly on the incidence of abuse and neglect of long term
14 care facility residents, with special attention to residents
15 who are persons with mental disabilities. The report shall
16 include but not be limited to data on the number and source of
17 reports of suspected abuse or neglect filed under this Act,
18 the nature of any injuries to residents, the final
19 determination of investigations, the type and number of cases
20 where abuse or neglect is determined to exist, and the final
21 disposition of cases.

22 (Source: P.A. 102-538, eff. 8-20-21.)

23 Section 10-60. The Community Living Facilities Licensing
24 Act is amended by changing Section 5 as follows:

1 (210 ILCS 35/5) (from Ch. 111 1/2, par. 4185)

2 Sec. 5. Licensing standards. The Department shall
3 promulgate rules and regulations establishing minimum
4 standards for licensing of Community Living Facilities. These
5 rules shall regulate:

6 (1) The location of Community Living Facilities. These
7 provisions shall insure that the Community Living Facilities
8 are in appropriate neighborhoods and shall prohibit
9 concentration of these housing programs in communities.

10 (2) The operation and conduct of Community Living
11 Facilities.

12 (3) The general financial ability, competence, character
13 and qualifications of the applicant to provide appropriate
14 care and comply with this Act.

15 (4) The appropriateness, safety, cleanliness and general
16 adequacy of the premises, including maintenance of adequate
17 fire protection and health standards, conforming to State laws
18 and municipal codes, to provide for the physical comfort,
19 well-being, care and protection of the residents.

20 (5) The number, character, training and qualifications of
21 personnel directly responsible for the residents.

22 (6) Provisions for food, clothing, educational
23 opportunities, social activities, home furnishings and
24 personal property to insure the healthy physical, emotional
25 and mental development of residents.

26 (7) Implementation of habilitation plans for each

1 resident.

2 (8) Provisions for residents to receive appropriate
3 programming and support services commensurate with their
4 individual needs, and to participate in decisions regarding
5 their use of programs and support services.

6 Such services should include educational opportunities,
7 vocational training and other day activities aimed at
8 promoting independence and improving basic living skills.

9 (9) Provisions and criteria for admission, discharge and
10 transfers at Community Living Facilities.

11 (10) Provisions specifying the role and responsibilities
12 of residents for upkeep of their rooms and the overall
13 maintenance and care of the Community Living Facilities. These
14 provisions shall allow the residents to participate in normal,
15 daily activities associated with community living.

16 (11) Provisions to insure that residents are notified of
17 their legal rights, as defined in the rules promulgated
18 pursuant to subsection (12) of this Section and to assist them
19 in exercising these rights. Upon admission to a Community
20 Living Facility, residents shall be provided a copy of their
21 rights and related rules, regulations and policies, and the
22 name, address, and telephone number of the Department of
23 Disability Advocacy and Guardianship and Advocacy Commission.

24 (12) Resident rights, which shall include, but need not be
25 limited to, those guaranteed by the "Mental Health and
26 Developmental Disabilities Code", as amended.

1 (13) Maintenance of records pertaining to the admission,
2 habilitation, and discharge of residents, and to the general
3 operation of Community Living Facilities.

4 (Source: P.A. 82-567.)

5 Section 10-65. The Nursing Home Care Act is amended by
6 changing Sections 2-106 and 2-201 as follows:

7 (210 ILCS 45/2-106) (from Ch. 111 1/2, par. 4152-106)

8 Sec. 2-106. Restraints.

9 (a) For purposes of this Act, a physical restraint is any
10 manual method or physical or mechanical device, material, or
11 equipment attached or adjacent to a resident's body that the
12 resident cannot remove easily and restricts freedom of
13 movement or normal access to one's body, and a chemical
14 restraint is any drug used for discipline or convenience and
15 not required to treat medical symptoms.

16 Devices used for positioning, including, but not limited
17 to, bed rails and gait belts, shall not be considered to be
18 physical restraints for purposes of this Act unless the device
19 is used to restrain or otherwise limit the patient's freedom
20 to move. A device used for positioning must be requested by the
21 resident or, if the resident is unable to consent, the
22 resident's guardian or authorized representative, or the need
23 for that device must be physically demonstrated by the
24 resident and documented in the resident's care plan. The

1 physically demonstrated need of the resident for a device used
2 for positioning must be revisited in every comprehensive
3 assessment of the resident.

4 The Department shall by rule, designate certain devices as
5 restraints, including at least all those devices which have
6 been determined to be restraints by the United States
7 Department of Health and Human Services in interpretive
8 guidelines issued for the purposes of administering Titles
9 XVIII and XIX of the Social Security Act.

10 (b) Neither restraints nor confinements shall be employed
11 for the purpose of punishment or for the convenience of any
12 facility personnel. No restraints or confinements shall be
13 employed except as ordered by a physician who documents the
14 need for such restraints or confinements in the resident's
15 clinical record.

16 (c) A restraint may be used only with the informed consent
17 of the resident, the resident's guardian, or other authorized
18 representative. A restraint may be used only for specific
19 periods, if it is the least restrictive means necessary to
20 attain and maintain the resident's highest practicable
21 physical, mental or psychosocial well-being, including brief
22 periods of time to provide necessary life-saving treatment. A
23 restraint may be used only after consultation with appropriate
24 health professionals, such as occupational or physical
25 therapists, and a trial of less restrictive measures has led
26 to the determination that the use of less restrictive measures

1 would not attain or maintain the resident's highest
2 practicable physical, mental or psychosocial well-being.
3 However, if the resident needs emergency care, restraints may
4 be used for brief periods to permit medical treatment to
5 proceed unless the facility has notice that the resident has
6 previously made a valid refusal of the treatment in question.

7 (d) A restraint may be applied only by a person trained in
8 the application of the particular type of restraint.

9 (e) Whenever a period of use of a restraint is initiated,
10 the resident shall be advised of his or her right to have a
11 person or organization of his or her choosing, including the
12 Department of Disability Advocacy and Guardianship ~~and~~
13 ~~Advocacy Commission~~, notified of the use of the restraint. A
14 recipient who is under guardianship may request that a person
15 or organization of his or her choosing be notified of the
16 restraint, whether or not the guardian approves the notice. If
17 the resident so chooses, the facility shall make the
18 notification within 24 hours, including any information about
19 the period of time that the restraint is to be used. Whenever
20 the Department of Disability Advocacy and Guardianship ~~and~~
21 ~~Advocacy Commission~~ is notified that a resident has been
22 restrained, it shall contact the resident to determine the
23 circumstances of the restraint and whether further action is
24 warranted.

25 (f) Whenever a restraint is used on a resident whose
26 primary mode of communication is sign language, the resident

1 shall be permitted to have his or her hands free from restraint
2 for brief periods each hour, except when this freedom may
3 result in physical harm to the resident or others.

4 (g) The requirements of this Section are intended to
5 control in any conflict with the requirements of Sections
6 1-126 and 2-108 of the Mental Health and Developmental
7 Disabilities Code.

8 (Source: P.A. 103-489, eff. 1-1-24.)

9 (210 ILCS 45/2-201) (from Ch. 111 1/2, par. 4152-201)

10 Sec. 2-201. To protect the residents' funds, the facility:

11 (1) Shall at the time of admission provide, in order of
12 priority, each resident, or the resident's guardian, if any,
13 or the resident's representative, if any, or the resident's
14 immediate family member, if any, with a written statement
15 explaining to the resident and to the resident's spouse (a)
16 their spousal impoverishment rights, as defined at Section 5-4
17 of the Illinois Public Aid Code, and at Section 303 of Title
18 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.
19 100-360), (b) their obligation to comply with the asset and
20 income disclosure requirements of Title XIX of the federal
21 Social Security Act and the regulations duly promulgated
22 thereunder, except that this item (b) does not apply to
23 facilities operated by the Illinois Department of Veterans
24 Affairs that do not participate in Medicaid, and (c) the
25 resident's rights regarding personal funds and listing the

1 services for which the resident will be charged. The facility
2 shall obtain a signed acknowledgment from each resident or the
3 resident's guardian, if any, or the resident's representative,
4 if any, or the resident's immediate family member, if any,
5 that such person has received the statement and understands
6 that failure to comply with asset and income disclosure
7 requirements may result in the denial of Medicaid eligibility.

8 (2) May accept funds from a resident for safekeeping and
9 managing, if it receives written authorization from, in order
10 of priority, the resident or the resident's guardian, if any,
11 or the resident's representative, if any, or the resident's
12 immediate family member, if any; such authorization shall be
13 attested to by a witness who has no pecuniary interest in the
14 facility or its operations, and who is not connected in any way
15 to facility personnel or the administrator in any manner
16 whatsoever.

17 (3) Shall maintain and allow, in order of priority, each
18 resident or the resident's guardian, if any, or the resident's
19 representative, if any, or the resident's immediate family
20 member, if any, access to a written record of all financial
21 arrangements and transactions involving the individual
22 resident's funds.

23 (4) Shall provide, in order of priority, each resident, or
24 the resident's guardian, if any, or the resident's
25 representative, if any, or the resident's immediate family
26 member, if any, with a written itemized statement at least

1 quarterly, of all financial transactions involving the
2 resident's funds.

3 (5) Shall purchase a surety bond, or otherwise provide
4 assurance satisfactory to the Departments of Public Health and
5 Insurance that all residents' personal funds deposited with
6 the facility are secure against loss, theft, and insolvency.

7 (6) Shall keep any funds received from a resident for
8 safekeeping in an account separate from the facility's funds,
9 and shall at no time withdraw any part or all of such funds for
10 any purpose other than to return the funds to the resident upon
11 the request of the resident or any other person entitled to
12 make such request, to pay the resident his allowance, or to
13 make any other payment authorized by the resident or any other
14 person entitled to make such authorization.

15 (7) Shall deposit any funds received from a resident in
16 excess of \$100 in an interest bearing account insured by
17 agencies of, or corporations chartered by, the State or
18 federal government. The account shall be in a form which
19 clearly indicates that the facility has only a fiduciary
20 interest in the funds and any interest from the account shall
21 accrue to the resident. The facility may keep up to \$100 of a
22 resident's money in a non-interest bearing account or petty
23 cash fund, to be readily available for the resident's current
24 expenditures.

25 (8) Shall return to the resident, or the person who
26 executed the written authorization required in subsection (2)

1 of this Section, upon written request, all or any part of the
2 resident's funds given the facility for safekeeping, including
3 the interest accrued from deposits.

4 (9) Shall (a) place any monthly allowance to which a
5 resident is entitled in that resident's personal account, or
6 give it to the resident, unless the facility has written
7 authorization from the resident or the resident's guardian or
8 if the resident is a minor, his parent, to handle it
9 differently, (b) take all steps necessary to ensure that a
10 personal needs allowance that is placed in a resident's
11 personal account is used exclusively by the resident or for
12 the benefit of the resident, and (c) where such funds are
13 withdrawn from the resident's personal account by any person
14 other than the resident, require such person to whom funds
15 constituting any part of a resident's personal needs allowance
16 are released, to execute an affidavit that such funds shall be
17 used exclusively for the benefit of the resident.

18 (10) Unless otherwise provided by State law, upon the
19 death of a resident, shall provide the executor or
20 administrator of the resident's estate with a complete
21 accounting of all the resident's personal property, including
22 any funds of the resident being held by the facility.

23 (11) If an adult resident is incapable of managing his
24 funds and does not have a resident's representative, guardian,
25 or an immediate family member, shall notify the Division
26 ~~Office~~ of the State Guardian of the Department of Disability

1 Advocacy and Guardianship ~~and Advocacy Commission.~~

2 (12) If the facility is sold, shall provide the buyer with
3 a written verification by a public accountant of all
4 residents' monies and properties being transferred, and obtain
5 a signed receipt from the new owner.

6 (Source: P.A. 104-234, eff. 8-15-25.)

7 Section 10-67. The Community-Integrated Living
8 Arrangements Licensure and Certification Act is amended by
9 changing Section 9.1 as follows:

10 (210 ILCS 135/9.1)

11 Sec. 9.1. Recipient's funds; protection.

12 (a) To protect a recipient's funds, a service provider:

13 (1) May accept funds from a recipient for safekeeping
14 and management if the service provider receives written
15 authorization from the recipient or the recipient's
16 guardian.

17 (2) Shall maintain a written record of all financial
18 arrangements and transactions involving each individual
19 recipient's funds and shall allow each recipient, or the
20 recipient's guardian, access to that written record.

21 (3) Shall provide, in order of priority, each
22 recipient, or the recipient's guardian, if any, or the
23 recipient's immediate family member, if any, with a
24 written itemized statement of all financial transactions

1 involving the recipient's funds or a copy of the
2 recipient's checking or savings account register for the
3 period. This information shall be provided at least
4 quarterly.

5 (4) Shall purchase and maintain a surety bond or other
6 commercial policy with crime coverage in an amount equal
7 to or greater than all of the recipient's personal funds
8 deposited with the service provider to which employees of
9 the service provider have access to secure against loss,
10 theft, and insolvency. The insurance company that provides
11 the surety bond or commercial policy with crime coverage
12 shall inform the Division of Developmental Disabilities of
13 the Department of Human Services of any reduction or
14 cancellation of the surety bond or commercial policy with
15 crime coverage.

16 (5) Shall keep any funds received from a recipient in
17 an account separate from the service provider's funds for
18 safekeeping, and shall not withdraw all or any part of the
19 recipient's funds unless the service provider is (i)
20 returning the funds to the recipient upon the request of
21 the recipient or any other person entitled to make the
22 request, (ii) paying the recipient his or her allowance,
23 or (iii) making any other payment authorized by the
24 recipient or any other person entitled to make that
25 authorization.

26 (6) Shall deposit any funds received from a recipient

1 in excess of \$100 in an interest-bearing account insured
2 by agencies of, or corporations chartered by, the State or
3 the federal government. The account shall be in a form
4 that clearly indicates that the service provider has only
5 a fiduciary interest in the funds and that any interest
6 earned on funds in the account shall accrue to the
7 recipient. The service provider may keep up to \$100 of a
8 recipient's funds in a non-interest-bearing account or
9 petty cash fund, to be readily available for the
10 recipient's current expenditures.

11 (7) Shall, upon written request of a recipient or the
12 recipient's guardian, return to the recipient or the
13 recipient's guardian of the estate all or any part of the
14 recipient's funds given to the service provider for
15 safekeeping, including the accrued interest earned on the
16 deposits of the recipient's funds.

17 (8) Shall (i) place any monthly allowance that a
18 recipient is entitled to in the recipient's personal
19 account or give the monthly allowance directly to the
20 recipient, unless the service provider has written
21 authorization from the recipient, the recipient's
22 guardian, or the recipient's parent if the recipient is a
23 minor, to handle the monthly allowance differently, (ii)
24 take all steps necessary to ensure that a monthly
25 allowance that is placed in a recipient's personal account
26 is used exclusively by the recipient or for the

1 recipient's benefit, and (iii) require any person other
2 than the recipient who withdraws funds from the
3 recipient's personal account that constitute any portion
4 of the recipient's monthly allowance to execute an
5 affidavit that the funds will be used exclusively for the
6 benefit of the recipient.

7 (9) If an adult recipient is incapable of managing his
8 or her funds and does not have a guardian or immediate
9 family member, the service provider shall notify the
10 Division ~~Office of the State Guardian of the Guardianship~~
11 ~~and Advocacy Commission.~~

12 (b) Upon the death of a recipient, unless otherwise
13 provided by State law, the service provider shall provide the
14 executor or administrator of the recipient's estate with a
15 complete accounting of all the recipient's personal property,
16 including any funds of the recipient being held by the service
17 provider.

18 (c) If a recipient changes service providers, the former
19 service provider shall provide the new service provider with a
20 written verification by a public accountant of all the
21 recipient's money and property being transferred and shall
22 obtain a signed receipt for the money and property from the new
23 service provider upon transfer of the recipient's money and
24 property.

25 (d) If a service provider is sold, the service provider
26 shall provide the new owner with a written verification by a

1 public accountant of all the recipient's money and property
2 being transferred and shall obtain a signed receipt for the
3 money and property from the new owner upon transfer of the
4 recipient's money and property.

5 (Source: P.A. 98-1073, eff. 8-26-14.)

6 Section 10-70. The MC/DD Act is amended by changing
7 Sections 2-106 and 2-201 as follows:

8 (210 ILCS 46/2-106)

9 Sec. 2-106. Restraints and confinements.

10 (a) For purposes of this Act:

11 (i) A physical restraint is any manual method or
12 physical or mechanical device, material, or equipment
13 attached or adjacent to a resident's body that the
14 resident cannot remove easily and restricts freedom of
15 movement or normal access to one's body. Devices used for
16 positioning, including but not limited to bed rails, gait
17 belts, and cushions, shall not be considered to be
18 restraints for purposes of this Section.

19 (ii) A chemical restraint is any drug used for
20 discipline or convenience and not required to treat
21 medical symptoms. The Department shall by rule, designate
22 certain devices as restraints, including at least all
23 those devices which have been determined to be restraints
24 by the United States Department of Health and Human

1 Services in interpretive guidelines issued for the
2 purposes of administering Titles XVIII and XIX of the
3 Social Security Act.

4 (b) Neither restraints nor confinements shall be employed
5 for the purpose of punishment or for the convenience of any
6 facility personnel. No restraints or confinements shall be
7 employed except as ordered by a physician who documents the
8 need for such restraints or confinements in the resident's
9 clinical record. Each facility licensed under this Act must
10 have a written policy to address the use of restraints and
11 seclusion. The Department shall establish by rule the
12 provisions that the policy must include, which, to the extent
13 practicable, should be consistent with the requirements for
14 participation in the federal Medicare program. Each policy
15 shall include periodic review of the use of restraints.

16 (c) A restraint may be used only with the informed consent
17 of the resident, the resident's guardian, or other authorized
18 representative. A restraint may be used only for specific
19 periods, if it is the least restrictive means necessary to
20 attain and maintain the resident's highest practicable
21 physical, mental or psychosocial well-being ~~well-being~~,
22 including brief periods of time to provide necessary
23 lifesaving ~~life-saving~~ treatment. A restraint may be used only
24 after consultation with appropriate health professionals, such
25 as occupational or physical therapists, and a trial of less
26 restrictive measures has led to the determination that the use

1 of less restrictive measures would not attain or maintain the
2 resident's highest practicable physical, mental or
3 psychosocial well-being ~~well-being~~. However, if the resident
4 needs emergency care, restraints may be used for brief periods
5 to permit medical treatment to proceed unless the facility has
6 notice that the resident has previously made a valid refusal
7 of the treatment in question.

8 (d) A restraint may be applied only by a person trained in
9 the application of the particular type of restraint.

10 (e) Whenever a period of use of a restraint is initiated,
11 the resident shall be advised of his or her right to have a
12 person or organization of his or her choosing, including the
13 Department of Disability Advocacy and Guardianship ~~and~~
14 ~~Advocacy Commission~~, notified of the use of the restraint. A
15 recipient who is under guardianship may request that a person
16 or organization of his or her choosing be notified of the
17 restraint, whether or not the guardian approves the notice. If
18 the resident so chooses, the facility shall make the
19 notification within 24 hours, including any information about
20 the period of time that the restraint is to be used. Whenever
21 the Department of Disability Advocacy and Guardianship ~~and~~
22 ~~Advocacy Commission~~ is notified that a resident has been
23 restrained, it shall contact the resident to determine the
24 circumstances of the restraint and whether further action is
25 warranted.

26 (f) Whenever a restraint is used on a resident whose

1 primary mode of communication is sign language, the resident
2 shall be permitted to have his or her hands free from restraint
3 for brief periods each hour, except when this freedom may
4 result in physical harm to the resident or others.

5 (g) The requirements of this Section are intended to
6 control in any conflict with the requirements of Sections
7 1-126 and 2-108 of the Mental Health and Developmental
8 Disabilities Code.

9 (Source: P.A. 99-180, eff. 7-29-15.)

10 (210 ILCS 46/2-201)

11 Sec. 2-201. Residents' funds. To protect the residents'
12 funds, the facility:

13 (1) Shall at the time of admission provide, in order of
14 priority, each resident, or the resident's guardian, if any,
15 or the resident's representative, if any, or the resident's
16 immediate family member, if any, with a written statement
17 explaining to the resident and to the resident's spouse (a)
18 their spousal impoverishment rights, as defined at Section 5-4
19 of the Illinois Public Aid Code, and at Section 303 of Title
20 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.
21 100-360), and (b) the resident's rights regarding personal
22 funds and listing the services for which the resident will be
23 charged. The facility shall obtain a signed acknowledgment
24 from each resident or the resident's guardian, if any, or the
25 resident's representative, if any, or the resident's immediate

1 family member, if any, that such person has received the
2 statement.

3 (2) May accept funds from a resident for safekeeping and
4 managing, if it receives written authorization from, in order
5 of priority, the resident or the resident's guardian, if any,
6 or the resident's representative, if any, or the resident's
7 immediate family member, if any; such authorization shall be
8 attested to by a witness who has no pecuniary interest in the
9 facility or its operations, and who is not connected in any way
10 to facility personnel or the administrator in any manner
11 whatsoever.

12 (3) Shall maintain and allow, in order of priority, each
13 resident or the resident's guardian, if any, or the resident's
14 representative, if any, or the resident's immediate family
15 member, if any, access to a written record of all financial
16 arrangements and transactions involving the individual
17 resident's funds.

18 (4) Shall provide, in order of priority, each resident, or
19 the resident's guardian, if any, or the resident's
20 representative, if any, or the resident's immediate family
21 member, if any, with a written itemized statement at least
22 quarterly, of all financial transactions involving the
23 resident's funds.

24 (5) Shall purchase a surety bond, or otherwise provide
25 assurance satisfactory to the Departments of Public Health and
26 Financial and Professional Regulation that all residents'

1 personal funds deposited with the facility are secure against
2 loss, theft, and insolvency.

3 (6) Shall keep any funds received from a resident for
4 safekeeping in an account separate from the facility's funds,
5 and shall at no time withdraw any part or all of such funds for
6 any purpose other than to return the funds to the resident upon
7 the request of the resident or any other person entitled to
8 make such request, to pay the resident his or her allowance, or
9 to make any other payment authorized by the resident or any
10 other person entitled to make such authorization.

11 (7) Shall deposit any funds received from a resident in
12 excess of \$100 in an interest-bearing ~~interest-bearing~~ account
13 insured by agencies of, or corporations chartered by, the
14 State or federal government. The account shall be in a form
15 which clearly indicates that the facility has only a fiduciary
16 interest in the funds and any interest from the account shall
17 accrue to the resident. The facility may keep up to \$100 of a
18 resident's money in a non-interest-bearing account or petty
19 cash fund, to be readily available for the resident's current
20 expenditures.

21 (8) Shall return to the resident, or the person who
22 executed the written authorization required in subsection (2)
23 of this Section, upon written request, all or any part of the
24 resident's funds given the facility for safekeeping, including
25 the interest accrued from deposits.

26 (9) Shall (a) place any monthly allowance to which a

1 resident is entitled in that resident's personal account, or
2 give it to the resident, unless the facility has written
3 authorization from the resident or the resident's guardian or
4 if the resident is a minor, his parent, to handle it
5 differently, (b) take all steps necessary to ensure that a
6 personal needs allowance that is placed in a resident's
7 personal account is used exclusively by the resident or for
8 the benefit of the resident, and (c) where such funds are
9 withdrawn from the resident's personal account by any person
10 other than the resident, require such person to whom funds
11 constituting any part of a resident's personal needs allowance
12 are released, to execute an affidavit that such funds shall be
13 used exclusively for the benefit of the resident.

14 (10) Unless otherwise provided by State law, upon the
15 death of a resident, shall provide the executor or
16 administrator of the resident's estate with a complete
17 accounting of all the resident's personal property, including
18 any funds of the resident being held by the facility.

19 (11) If an adult resident is incapable of managing his or
20 her funds and does not have a resident's representative,
21 guardian, or an immediate family member, shall notify the
22 Division Office of the State Guardian of the Department of
23 Disability Advocacy and Guardianship and Advocacy Commission.

24 (12) If the facility is sold, shall provide the buyer with
25 a written verification by a public accountant of all
26 residents' monies and properties being transferred, and obtain

1 a signed receipt from the new owner.

2 (Source: P.A. 99-180, eff. 7-29-15.)

3 Section 10-75. The ID/DD Community Care Act is amended by
4 changing Sections 2-106 and 2-201 as follows:

5 (210 ILCS 47/2-106)

6 Sec. 2-106. Restraints and confinements.

7 (a) For purposes of this Act:

8 (i) A physical restraint is any manual method or
9 physical or mechanical device, material, or equipment
10 attached or adjacent to a resident's body that the
11 resident cannot remove easily and restricts freedom of
12 movement or normal access to one's body. Devices used for
13 positioning, including but not limited to bed rails, gait
14 belts, and cushions, shall not be considered to be
15 restraints for purposes of this Section.

16 (ii) A chemical restraint is any drug used for
17 discipline or convenience and not required to treat
18 medical symptoms. The Department shall by rule, designate
19 certain devices as restraints, including at least all
20 those devices which have been determined to be restraints
21 by the United States Department of Health and Human
22 Services in interpretive guidelines issued for the
23 purposes of administering Titles XVIII and XIX of the
24 Social Security Act.

1 (b) Neither restraints nor confinements shall be employed
2 for the purpose of punishment or for the convenience of any
3 facility personnel. No restraints or confinements shall be
4 employed except as ordered by a physician who documents the
5 need for such restraints or confinements in the resident's
6 clinical record. Each facility licensed under this Act must
7 have a written policy to address the use of restraints and
8 seclusion. The Department shall establish by rule the
9 provisions that the policy must include, which, to the extent
10 practicable, should be consistent with the requirements for
11 participation in the federal Medicare program. Each policy
12 shall include periodic review of the use of restraints.

13 (c) A restraint may be used only with the informed consent
14 of the resident, the resident's guardian, or other authorized
15 representative. A restraint may be used only for specific
16 periods, if it is the least restrictive means necessary to
17 attain and maintain the resident's highest practicable
18 physical, mental or psychosocial well-being ~~well-being~~,
19 including brief periods of time to provide necessary
20 lifesaving ~~life-saving~~ treatment. A restraint may be used only
21 after consultation with appropriate health professionals, such
22 as occupational or physical therapists, and a trial of less
23 restrictive measures has led to the determination that the use
24 of less restrictive measures would not attain or maintain the
25 resident's highest practicable physical, mental or
26 psychosocial well-being ~~well-being~~. However, if the resident

1 needs emergency care, restraints may be used for brief periods
2 to permit medical treatment to proceed unless the facility has
3 notice that the resident has previously made a valid refusal
4 of the treatment in question.

5 (d) A restraint may be applied only by a person trained in
6 the application of the particular type of restraint.

7 (e) Whenever a period of use of a restraint is initiated,
8 the resident shall be advised of his or her right to have a
9 person or organization of his or her choosing, including the
10 Department of Disability Advocacy and Guardianship ~~and~~
11 ~~Advocacy Commission~~, notified of the use of the restraint. A
12 recipient who is under guardianship may request that a person
13 or organization of his or her choosing be notified of the
14 restraint, whether or not the guardian approves the notice. If
15 the resident so chooses, the facility shall make the
16 notification within 24 hours, including any information about
17 the period of time that the restraint is to be used. Whenever
18 the Department of Disability Advocacy and Guardianship ~~and~~
19 ~~Advocacy Commission~~ is notified that a resident has been
20 restrained, it shall contact the resident to determine the
21 circumstances of the restraint and whether further action is
22 warranted.

23 (f) Whenever a restraint is used on a resident whose
24 primary mode of communication is sign language, the resident
25 shall be permitted to have his or her hands free from restraint
26 for brief periods each hour, except when this freedom may

1 result in physical harm to the resident or others.

2 (g) The requirements of this Section are intended to
3 control in any conflict with the requirements of Sections
4 1-126 and 2-108 of the Mental Health and Developmental
5 Disabilities Code.

6 (Source: P.A. 96-339, eff. 7-1-10.)

7 (210 ILCS 47/2-201)

8 Sec. 2-201. Residents' funds. To protect the residents'
9 funds, the facility:

10 (1) Shall at the time of admission provide, in order of
11 priority, each resident, or the resident's guardian, if any,
12 or the resident's representative, if any, or the resident's
13 immediate family member, if any, with a written statement
14 explaining to the resident and to the resident's spouse (a)
15 their spousal impoverishment rights, as defined at Section 5-4
16 of the Illinois Public Aid Code, and at Section 303 of Title
17 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.
18 100-360), and (b) the resident's rights regarding personal
19 funds and listing the services for which the resident will be
20 charged. The facility shall obtain a signed acknowledgment
21 from each resident or the resident's guardian, if any, or the
22 resident's representative, if any, or the resident's immediate
23 family member, if any, that such person has received the
24 statement.

25 (2) May accept funds from a resident for safekeeping and

1 managing, if it receives written authorization from, in order
2 of priority, the resident or the resident's guardian, if any,
3 or the resident's representative, if any, or the resident's
4 immediate family member, if any; such authorization shall be
5 attested to by a witness who has no pecuniary interest in the
6 facility or its operations, and who is not connected in any way
7 to facility personnel or the administrator in any manner
8 whatsoever.

9 (3) Shall maintain and allow, in order of priority, each
10 resident or the resident's guardian, if any, or the resident's
11 representative, if any, or the resident's immediate family
12 member, if any, access to a written record of all financial
13 arrangements and transactions involving the individual
14 resident's funds.

15 (4) Shall provide, in order of priority, each resident, or
16 the resident's guardian, if any, or the resident's
17 representative, if any, or the resident's immediate family
18 member, if any, with a written itemized statement at least
19 quarterly, of all financial transactions involving the
20 resident's funds.

21 (5) Shall purchase a surety bond, or otherwise provide
22 assurance satisfactory to the Departments of Public Health and
23 Financial and Professional Regulation that all residents'
24 personal funds deposited with the facility are secure against
25 loss, theft, and insolvency.

26 (6) Shall keep any funds received from a resident for

1 safekeeping in an account separate from the facility's funds,
2 and shall at no time withdraw any part or all of such funds for
3 any purpose other than to return the funds to the resident upon
4 the request of the resident or any other person entitled to
5 make such request, to pay the resident his or her allowance, or
6 to make any other payment authorized by the resident or any
7 other person entitled to make such authorization.

8 (7) Shall deposit any funds received from a resident in
9 excess of \$100 in an interest-bearing ~~interest-bearing~~ account
10 insured by agencies of, or corporations chartered by, the
11 State or federal government. The account shall be in a form
12 which clearly indicates that the facility has only a fiduciary
13 interest in the funds and any interest from the account shall
14 accrue to the resident. The facility may keep up to \$100 of a
15 resident's money in a non-interest-bearing account or petty
16 cash fund, to be readily available for the resident's current
17 expenditures.

18 (8) Shall return to the resident, or the person who
19 executed the written authorization required in subsection (2)
20 of this Section, upon written request, all or any part of the
21 resident's funds given the facility for safekeeping, including
22 the interest accrued from deposits.

23 (9) Shall (a) place any monthly allowance to which a
24 resident is entitled in that resident's personal account, or
25 give it to the resident, unless the facility has written
26 authorization from the resident or the resident's guardian or

1 if the resident is a minor, his parent, to handle it
2 differently, (b) take all steps necessary to ensure that a
3 personal needs allowance that is placed in a resident's
4 personal account is used exclusively by the resident or for
5 the benefit of the resident, and (c) where such funds are
6 withdrawn from the resident's personal account by any person
7 other than the resident, require such person to whom funds
8 constituting any part of a resident's personal needs allowance
9 are released, to execute an affidavit that such funds shall be
10 used exclusively for the benefit of the resident.

11 (10) Unless otherwise provided by State law, upon the
12 death of a resident, shall provide the executor or
13 administrator of the resident's estate with a complete
14 accounting of all the resident's personal property, including
15 any funds of the resident being held by the facility.

16 (11) If an adult resident is incapable of managing his or
17 her funds and does not have a resident's representative,
18 guardian, or an immediate family member, shall notify the
19 Division Office of the State Guardian of the Department of
20 Disability Advocacy and Guardianship and Advocacy Commission.

21 (12) If the facility is sold, shall provide the buyer with
22 a written verification by a public accountant of all
23 residents' monies and properties being transferred, and obtain
24 a signed receipt from the new owner.

25 (Source: P.A. 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10.)

1 Section 10-80. The Hospital Licensing Act is amended by
2 changing Section 9.6 as follows:

3 (210 ILCS 85/9.6)

4 Sec. 9.6. Patient protection from abuse.

5 (a) No administrator, agent, or employee of a hospital or
6 a hospital affiliate, or a member of a hospital's medical
7 staff, may abuse a patient in the hospital or in a facility
8 operated by a hospital affiliate.

9 (b) Any hospital administrator, agent, employee, or
10 medical staff member, or an administrator, employee, or
11 physician employed by a hospital affiliate, who has reasonable
12 cause to believe that any patient with whom he or she has
13 direct contact has been subjected to abuse in the hospital or
14 hospital affiliate shall promptly report or cause a report to
15 be made to a designated hospital administrator responsible for
16 providing such reports to the Department as required by this
17 Section.

18 (c) Retaliation against a person who lawfully and in good
19 faith makes a report under this Section is prohibited.

20 (d) Upon receiving a report under subsection (b) of this
21 Section, the hospital or hospital affiliate shall submit the
22 report to the Department within 24 hours of obtaining such
23 report. In the event that the hospital receives multiple
24 reports involving a single alleged instance of abuse, the
25 hospital shall submit one report to the Department.

1 (e) Upon receiving a report under this Section, the
2 hospital or hospital affiliate shall promptly conduct an
3 internal review to ensure the alleged victim's safety.
4 Measures to protect the alleged victim shall be taken as
5 deemed necessary by the hospital's administrator and may
6 include, but are not limited to, removing suspected violators
7 from further patient contact during the hospital's or hospital
8 affiliate's internal review. If the alleged victim lacks
9 decision-making capacity under the Health Care Surrogate Act
10 and no health care surrogate is available, the hospital or
11 hospital affiliate may contact the Department of Disability
12 Advocacy and ~~Illinois~~ Guardianship ~~and Advocacy Commission~~ to
13 determine the need for a temporary guardian of that person.

14 (f) All internal hospital and hospital affiliate reviews
15 shall be conducted by a designated employee or agent who is
16 qualified to detect abuse and is not involved in the alleged
17 victim's treatment. All internal review findings must be
18 documented and filed according to hospital or hospital
19 affiliate procedures and shall be made available to the
20 Department upon request.

21 (g) Any other person may make a report of patient abuse to
22 the Department if that person has reasonable cause to believe
23 that a patient has been abused in the hospital or hospital
24 affiliate.

25 (h) The report required under this Section shall include:
26 the name of the patient; the name and address of the hospital

1 or hospital affiliate treating the patient; the age of the
2 patient; the nature of the patient's condition, including any
3 evidence of previous injuries or disabilities; and any other
4 information that the reporter believes might be helpful in
5 establishing the cause of the reported abuse and the identity
6 of the person believed to have caused the abuse.

7 (i) Except for willful or wanton misconduct, any
8 individual, person, institution, or agency participating in
9 good faith in the making of a report under this Section, or in
10 the investigation of such a report or in making a disclosure of
11 information concerning reports of abuse under this Section,
12 shall have immunity from any liability, whether civil,
13 professional, or criminal, that otherwise might result by
14 reason of such actions. For the purpose of any proceedings,
15 whether civil, professional, or criminal, the good faith of
16 any persons required to report cases of suspected abuse under
17 this Section or who disclose information concerning reports of
18 abuse in compliance with this Section, shall be presumed.

19 (j) No administrator, agent, or employee of a hospital or
20 hospital affiliate shall adopt or employ practices or
21 procedures designed to discourage good faith reporting of
22 patient abuse under this Section.

23 (k) Every hospital and hospital affiliate shall ensure
24 that all new and existing employees are trained in the
25 detection and reporting of abuse of patients and retrained at
26 least every 2 years thereafter.

1 (1) The Department shall investigate each report of
2 patient abuse made under this Section according to the
3 procedures of the Department, except that a report of abuse
4 which indicates that a patient's life or safety is in imminent
5 danger shall be investigated within 24 hours of such report.
6 Under no circumstances may a hospital's or hospital
7 affiliate's internal review of an allegation of abuse replace
8 an investigation of the allegation by the Department.

9 (m) The Department shall keep a continuing record of all
10 reports made pursuant to this Section, including indications
11 of the final determination of any investigation and the final
12 disposition of all reports. The Department shall inform the
13 investigated hospital or hospital affiliate and any other
14 person making a report under subsection (g) of its final
15 determination or disposition in writing.

16 (n) The Department shall not disclose to the public any
17 information regarding any reports and investigations under
18 this Section unless and until the report of abuse is
19 substantiated following a full and proper investigation.

20 (o) All patient identifiable information in any report or
21 investigation under this Section shall be confidential and
22 shall not be disclosed except as authorized by this Act or
23 other applicable law.

24 (p) Nothing in this Section relieves a hospital or
25 hospital affiliate administrator, employee, agent, or medical
26 staff member from contacting appropriate law enforcement

1 authorities as required by law.

2 (q) Nothing in this Section shall be construed to mean
3 that a patient is a victim of abuse because of health care
4 services provided or not provided by health care
5 professionals.

6 (r) Nothing in this Section shall require a hospital or
7 hospital affiliate, including its employees, agents, and
8 medical staff members, to provide any services to a patient in
9 contravention of his or her stated or implied objection
10 thereto upon grounds that such services conflict with his or
11 her religious beliefs or practices, nor shall such a patient
12 be considered abused under this Section for the exercise of
13 such beliefs or practices.

14 (s) The Department's implementation of this Section is
15 subject to appropriations to the Department for that purpose.

16 (t) As used in this Section, the following terms have the
17 following meanings:

18 "Abuse" means any physical or mental injury or sexual
19 abuse intentionally inflicted by a hospital or hospital
20 affiliate employee, agent, or medical staff member on a
21 patient of the hospital or hospital affiliate and does not
22 include any hospital or hospital affiliate, medical, health
23 care, or other personal care services done in good faith in the
24 interest of the patient according to established medical and
25 clinical standards of care.

26 "Hospital affiliate" has the meaning given to that term in

1 Section 10.8.

2 "Mental injury" means intentionally caused emotional
3 distress in a patient from words or gestures that would be
4 considered by a reasonable person to be humiliating,
5 harassing, or threatening and which causes observable and
6 substantial impairment.

7 "Sexual abuse" means any intentional act of sexual contact
8 or sexual penetration of a patient in the hospital.

9 "Substantiated", with respect to a report of abuse, means
10 that a preponderance of the evidence indicates that abuse
11 occurred.

12 (Source: P.A. 103-803, eff. 1-1-25.)

13 Section 10-85. The Illinois Public Aid Code is amended by
14 changing Section 3-1.2 as follows:

15 (305 ILCS 5/3-1.2) (from Ch. 23, par. 3-1.2)

16 Sec. 3-1.2. Need.

17 (a) Income available to the person, when added to
18 contributions in money, substance, or services from other
19 sources, including contributions from legally responsible
20 relatives, must be insufficient to equal the grant amount
21 established by Department regulation for such person. In
22 determining earned income to be taken into account,
23 consideration shall be given to any expenses reasonably
24 attributable to the earning of such income. If federal law or

1 regulations permit or require exemption of earned or other
2 income and resources, the Illinois Department shall provide by
3 rule and regulation that the amount of income to be
4 disregarded be increased (1) to the maximum extent so required
5 and (2) to the maximum extent permitted by federal law or
6 regulation in effect as of the date this amendatory Act
7 becomes law. The Illinois Department may also provide by rule
8 and regulation that the amount of resources to be disregarded
9 be increased to the maximum extent so permitted or required.

10 (b) Subject to federal approval, resources (for example,
11 land, buildings, equipment, supplies, or tools), including
12 farmland property and personal property used in the
13 income-producing operations related to the farmland (for
14 example, equipment and supplies, motor vehicles, or tools),
15 necessary for self-support, up to \$6,000 of the person's
16 equity in the income-producing property, provided that the
17 property produces a net annual income of at least 6% of the
18 excluded equity value of the property, are exempt. Equity
19 value in excess of \$6,000 shall not be excluded. If the
20 activity produces income that is less than 6% of the exempt
21 equity due to reasons beyond the person's control (for
22 example, the person's illness or crop failure) and there is a
23 reasonable expectation that the property will again produce
24 income equal to or greater than 6% of the equity value (for
25 example, a medical prognosis that the person is expected to
26 respond to treatment or that drought-resistant corn will be

1 planted), the equity value in the property up to \$6,000 is
2 exempt. If the person owns more than one piece of property and
3 each produces income, each piece of property shall be looked
4 at to determine whether the 6% rule is met, and then the
5 amounts of the person's equity in all of those properties
6 shall be totaled to determine whether the total equity is
7 \$6,000 or less. The total equity value of all properties that
8 is exempt shall be limited to \$6,000.

9 (c) In determining the resources of an individual or any
10 dependents, the Department shall exclude from consideration
11 the value of funeral and burial spaces, funeral and burial
12 insurance the proceeds of which can only be used to pay the
13 funeral and burial expenses of the insured and funds
14 specifically set aside for the funeral and burial arrangements
15 of the individual or his or her dependents, including prepaid
16 funeral and burial plans, to the same extent that such items
17 are excluded from consideration under the federal Supplemental
18 Security Income program (SSI). At any time prior to or after
19 submitting an application for medical assistance and before a
20 final determination of eligibility has been made by the
21 Department, an applicant may use available resources to
22 purchase one of the prepaid funeral or burial contracts
23 exempted under this Section.

24 Prepaid funeral or burial contracts are exempt to the
25 following extent:

26 (1) Funds in a revocable prepaid funeral or burial

1 contract are exempt up to \$1,500, except that any portion
2 of a contract that clearly represents the purchase of
3 burial space, as that term is defined for purposes of the
4 Supplemental Security Income program, is exempt regardless
5 of value.

6 (2) Funds in an irrevocable prepaid funeral or burial
7 contract are exempt up to \$7,248, except that any portion
8 of a contract that clearly represents the purchase of
9 burial space, as that term is defined for purposes of the
10 Supplemental Security Income program, is exempt regardless
11 of value. This amount shall be adjusted annually for any
12 increase in the Consumer Price Index. The amount exempted
13 shall be limited to the price of the funeral goods and
14 services to be provided upon death. The contract must
15 provide a complete description of the funeral goods and
16 services to be provided and the price thereof. Any amount
17 in the contract not so specified shall be treated as a
18 transfer of assets for less than fair market value.

19 (3) A prepaid, guaranteed-price funeral or burial
20 contract, funded by an irrevocable assignment of a
21 person's life insurance policy to a trust or a funeral
22 home, is exempt. The amount exempted shall be limited to
23 the amount of the insurance benefit designated for the
24 cost of the funeral goods and services to be provided upon
25 the person's death. The contract must provide a complete
26 description of the funeral goods and services to be

1 provided and the price thereof. Any amount in the contract
2 not so specified shall be treated as a transfer of assets
3 for less than fair market value. The trust must include a
4 statement that, upon the death of the person, the State
5 will receive all amounts remaining in the trust, including
6 any remaining payable proceeds under the insurance policy
7 up to an amount equal to the total medical assistance paid
8 on behalf of the person. The trust is responsible for
9 ensuring that the provider of funeral services under the
10 contract receives the proceeds of the policy when it
11 provides the funeral goods and services specified under
12 the contract. The irrevocable assignment of ownership of
13 the insurance policy must be acknowledged by the insurance
14 company.

15 (4) Existing life insurance policies are exempt if
16 there has been an irrevocable assignment in compliance
17 with Section 2b of the Illinois Funeral or Burial Funds
18 Act. A person shall sign a contract with a funeral home,
19 which is licensed under the Illinois Funeral or Burial
20 Funds Act, that describes the cost of the funeral goods
21 and services to be provided upon the person's death, up to
22 \$7,248, except that any portion of a contract that clearly
23 represents the purchase of burial space, as that term is
24 defined for purposes of the Supplemental Security Income
25 program, is exempt regardless of value. This amount shall
26 be adjusted annually for any increase in the Consumer

1 Price Index. The contract must provide a complete
2 description of the goods and services and any cash
3 advances to be provided and the price thereof. The person
4 shall sign an irrevocable designation of beneficiary form
5 declaring that any amounts payable from the policies not
6 used for goods and services and any cash advances as set
7 forth in the contract shall be received by the State, up to
8 an amount equal to the total medical assistance paid on
9 behalf of the person; any funds remaining after payment to
10 the State shall be paid to a secondary beneficiary (if
11 any) listed on the policy, or to the estate of the
12 purchaser if no secondary beneficiary is named on the
13 policy in the event the proceeds exceed the prearranged
14 costs of merchandise and services and any cash advances
15 and the total medical assistance paid on behalf of the
16 insured. More than one policy may be subject to this
17 subsection if the total face value of the policies is
18 necessary to pay the amount described in the contract with
19 the funeral home; policies that are not necessary to pay
20 the amount described in the contract are not exempt. The
21 licensed funeral home to which the life insurance policy
22 benefits have been irrevocably assigned shall retain
23 copies for inspection by the Comptroller and shall report
24 annually to the Comptroller the following: the name of the
25 insured, the name of the insurance company and policy
26 number, an itemized account of the amount of the contract

1 for goods and services and any cash advances provided, and
2 the current value of the policy of benefits designated
3 with a record of all amounts paid back to the State or
4 other beneficiary. The Department of Healthcare and Family
5 Services shall adopt rules and forms to implement this
6 Section.

7 (d) Notwithstanding any other provision of this Code to
8 the contrary, an irrevocable trust containing the resources of
9 a person who is determined to have a disability shall be
10 considered exempt from consideration. A pooled trust must be
11 established and managed by a non-profit association that pools
12 funds but maintains a separate account for each beneficiary.
13 The trust may be established by the person, a parent,
14 grandparent, legal guardian, or court. It must be established
15 for the sole benefit of the person and language contained in
16 the trust shall stipulate that any amount remaining in the
17 trust (up to the amount expended by the Department on medical
18 assistance) that is not retained by the trust for reasonable
19 administrative costs related to wrapping up the affairs of the
20 subaccount shall be paid to the Department upon the death of
21 the person. After a person reaches age 65, any funding by or on
22 behalf of the person to the trust shall be treated as a
23 transfer of assets for less than fair market value unless the
24 person is a ward of a county public guardian or the Division of
25 State Guardian pursuant to Section 13-5 of the Probate Act of
26 1975 or Section 30 of the Guardianship and Advocacy Act and

1 lives in the community, or the person is a ward of a county
2 public guardian or the Division of State Guardian pursuant to
3 Section 13-5 of the Probate Act of 1975 or Section 30 of the
4 Guardianship and Advocacy Act and a court has found that any
5 expenditures from the trust will maintain or enhance the
6 person's quality of life. If the trust contains proceeds from
7 a personal injury settlement, any Department charge must be
8 satisfied in order for the transfer to the trust to be treated
9 as a transfer for fair market value.

10 (e) The homestead shall be exempt from consideration
11 except to the extent that it meets the income and shelter needs
12 of the person. "Homestead" means the dwelling house and
13 contiguous real estate owned and occupied by the person,
14 regardless of its value. Subject to federal approval, a person
15 shall not be eligible for long-term care services, however, if
16 the person's equity interest in his or her homestead exceeds
17 the minimum home equity as allowed and increased annually
18 under federal law. Subject to federal approval, on and after
19 the effective date of this amendatory Act of the 97th General
20 Assembly, homestead property transferred to a trust shall no
21 longer be considered homestead property.

22 (f) Occasional or irregular gifts in cash, goods or
23 services from persons who are not legally responsible
24 relatives which are of nominal value or which do not have
25 significant effect in meeting essential requirements shall be
26 disregarded.

1 (g) The eligibility of any applicant for or recipient of
2 public aid under this Article is not affected by the payment of
3 any grant under the "Senior Citizens and Disabled Persons
4 Property Tax Relief Act" or any distributions or items of
5 income described under subparagraph (X) of paragraph (2) of
6 subsection (a) of Section 203 of the Illinois Income Tax Act.

7 (h) The Illinois Department may, after appropriate
8 investigation, establish and implement a consolidated standard
9 to determine need and eligibility for and amount of benefits
10 under this Article or a uniform cash supplement to the federal
11 Supplemental Security Income program for all or any part of
12 the then current recipients under this Article; provided,
13 however, that the establishment or implementation of such a
14 standard or supplement shall not result in reductions in
15 benefits under this Article for the then current recipients of
16 such benefits.

17 (i) The provisions under paragraph (4) of subsection (c)
18 are subject to federal approval. The Department of Healthcare
19 and Family Services shall apply for any necessary federal
20 waivers or approvals to implement by January 1, 2023 the
21 changes made to this Section by this amendatory Act of the
22 102nd General Assembly.

23 (Source: P.A. 102-959, eff. 5-27-22.)

24 Section 10-90. The Adult Protective Services Act is
25 amended by changing Sections 2 and 3.5 as follows:

1 (320 ILCS 20/2) (from Ch. 23, par. 6602)

2 Sec. 2. Definitions. As used in this Act, unless the
3 context requires otherwise:

4 (a) "Abandonment" means the desertion or willful forsaking
5 of an eligible adult by an individual responsible for the care
6 and custody of that eligible adult under circumstances in
7 which a reasonable person would continue to provide care and
8 custody. Nothing in this Act shall be construed to mean that an
9 eligible adult is a victim of abandonment because of health
10 care services provided or not provided by licensed health care
11 professionals.

12 (a-1) "Abuse" means causing any physical, mental or sexual
13 injury to an eligible adult, including exploitation of such
14 adult's financial resources, and abandonment or subjecting an
15 eligible adult to an environment which creates a likelihood of
16 harm to the eligible adult's health, physical and emotional
17 well-being, or welfare.

18 Nothing in this Act shall be construed to mean that an
19 eligible adult is a victim of abuse, abandonment, neglect, or
20 self-neglect for the sole reason that he or she is being
21 furnished with or relies upon treatment by spiritual means
22 through prayer alone, in accordance with the tenets and
23 practices of a recognized church or religious denomination.

24 Nothing in this Act shall be construed to mean that an
25 eligible adult is a victim of abuse because of health care

1 services provided or not provided by licensed health care
2 professionals.

3 Nothing in this Act shall be construed to mean that an
4 eligible adult is a victim of abuse in cases of criminal
5 activity by strangers, telemarketing scams, consumer fraud,
6 internet fraud, home repair disputes, complaints against a
7 homeowners' association, or complaints between landlords and
8 tenants.

9 (a-5) "Abuser" means a person who is a family member,
10 caregiver, or another person who has a continuing relationship
11 with the eligible adult and abuses, abandons, neglects, or
12 financially exploits an eligible adult.

13 (a-6) "Adult with disabilities" means a person aged 18
14 through 59 who resides in a domestic living situation and
15 whose disability as defined in subsection (c-5) impairs his or
16 her ability to seek or obtain protection from abuse,
17 abandonment, neglect, or exploitation.

18 (a-7) "Caregiver" means a person who either as a result of
19 a family relationship, voluntarily, or in exchange for
20 compensation has assumed responsibility for all or a portion
21 of the care of an eligible adult who needs assistance with
22 activities of daily living or instrumental activities of daily
23 living.

24 (b) "Department" means the Department on Aging of the
25 State of Illinois.

26 (c) "Director" means the Director of the Department.

1 (c-5) "Disability" means a physical or mental disability,
2 including, but not limited to, a developmental disability, an
3 intellectual disability, a mental illness as defined under the
4 Mental Health and Developmental Disabilities Code, or dementia
5 as defined under the Alzheimer's Disease Assistance Act.

6 (d) "Domestic living situation" means a residence where
7 the eligible adult at the time of the report lives alone or
8 with his or her family or a caregiver, or others, or other
9 community-based unlicensed facility, but is not:

10 (1) A licensed facility as defined in Section 1-113 of
11 the Nursing Home Care Act;

12 (1.5) A facility licensed under the ID/DD Community
13 Care Act;

14 (1.6) A facility licensed under the MC/DD Act;

15 (1.7) A facility licensed under the Specialized Mental
16 Health Rehabilitation Act of 2013;

17 (2) A "life care facility" as defined in the Life Care
18 Facilities Act;

19 (3) A home, institution, or other place operated by
20 the federal government or agency thereof or by the State
21 of Illinois;

22 (4) A hospital, sanitarium, or other institution, the
23 principal activity or business of which is the diagnosis,
24 care, and treatment of human illness through the
25 maintenance and operation of organized facilities
26 therefor, which is required to be licensed under the

1 Hospital Licensing Act;

2 (5) A "community living facility" as defined in the
3 Community Living Facilities Licensing Act;

4 (6) (Blank);

5 (7) A "community-integrated living arrangement" as
6 defined in the Community-Integrated Living Arrangements
7 Licensure and Certification Act or a "community
8 residential alternative" as licensed under that Act;

9 (8) An assisted living or shared housing establishment
10 as defined in the Assisted Living and Shared Housing Act;
11 or

12 (9) A supportive living facility as described in
13 Section 5-5.01a of the Illinois Public Aid Code.

14 (e) "Eligible adult" means either an adult with
15 disabilities aged 18 through 59 or a person aged 60 or older
16 who resides in a domestic living situation and is, or is
17 alleged to be, abused, abandoned, neglected, or financially
18 exploited by another individual or who neglects himself or
19 herself. "Eligible adult" also includes an adult who resides
20 in any of the facilities that are excluded from the definition
21 of "domestic living situation" under paragraphs (1) through
22 (9) of subsection (d), if either: (i) the alleged abuse,
23 abandonment, or neglect occurs outside of the facility and not
24 under facility supervision and the alleged abuser is a family
25 member, caregiver, or another person who has a continuing
26 relationship with the adult; or (ii) the alleged financial

1 exploitation is perpetrated by a family member, caregiver, or
2 another person who has a continuing relationship with the
3 adult, but who is not an employee of the facility where the
4 adult resides.

5 (f) "Emergency" means a situation in which an eligible
6 adult is living in conditions presenting a risk of death or
7 physical, mental or sexual injury and the provider agency has
8 reason to believe the eligible adult is unable to consent to
9 services which would alleviate that risk.

10 (f-1) "Financial exploitation" means the use of an
11 eligible adult's resources by another to the disadvantage of
12 that adult or the profit or advantage of a person other than
13 that adult.

14 (f-3) "Investment advisor" means any person required to
15 register as an investment adviser or investment adviser
16 representative under Section 8 of the Illinois Securities Law
17 of 1953, which for purposes of this Act excludes any bank,
18 trust company, savings bank, or credit union, or their
19 respective employees.

20 (f-5) "Mandated reporter" means any of the following
21 persons while engaged in carrying out their professional
22 duties:

- 23 (1) a professional or professional's delegate while
24 engaged in: (i) social services, (ii) law enforcement,
25 (iii) education, (iv) the care of an eligible adult or
26 eligible adults, or (v) any of the occupations required to

1 be licensed under the Behavior Analyst Licensing Act, the
2 Clinical Psychologist Licensing Act, the Clinical Social
3 Work and Social Work Practice Act, the Illinois Dental
4 Practice Act, the Dietitian Nutritionist Practice Act, the
5 Marriage and Family Therapy Licensing Act, the Medical
6 Practice Act of 1987, the Naprapathic Practice Act, the
7 Nurse Practice Act, the Nursing Home Administrators
8 Licensing and Disciplinary Act, the Illinois Occupational
9 Therapy Practice Act, the Illinois Optometric Practice Act
10 of 1987, the Pharmacy Practice Act, the Illinois Physical
11 Therapy Act, the Physician Assistant Practice Act of 1987,
12 the Podiatric Medical Practice Act of 1987, the
13 Respiratory Care Practice Act, the Professional Counselor
14 and Clinical Professional Counselor Licensing and Practice
15 Act, the Illinois Speech-Language Pathology and Audiology
16 Practice Act, the Veterinary Medicine and Surgery Practice
17 Act of 2004, and the Illinois Public Accounting Act;

18 (1.5) an employee of an entity providing developmental
19 disabilities services or service coordination funded by
20 the Department of Human Services;

21 (2) an employee of a vocational rehabilitation
22 facility prescribed or supervised by the Department of
23 Human Services;

24 (3) an administrator, employee, or person providing
25 services in or through an unlicensed community based
26 facility;

1 (4) any religious practitioner who provides treatment
2 by prayer or spiritual means alone in accordance with the
3 tenets and practices of a recognized church or religious
4 denomination, except as to information received in any
5 confession or sacred communication enjoined by the
6 discipline of the religious denomination to be held
7 confidential;

8 (5) field personnel of the Department of Healthcare
9 and Family Services, Department of Public Health, and
10 Department of Human Services, and any county or municipal
11 health department;

12 (6) personnel of the Department of Human Services, the
13 Department of Disability Advocacy and Guardianship ~~and~~
14 ~~Advocacy Commission~~, the State Fire Marshal, local fire
15 departments, the Department on Aging and its subsidiary
16 Area Agencies on Aging and provider agencies, except the
17 State Long Term Care Ombudsman and any of his or her
18 representatives or volunteers where prohibited from making
19 such a report pursuant to 45 CFR 1324.11(e)(3)(iv);

20 (7) any employee of the State of Illinois not
21 otherwise specified herein who is involved in providing
22 services to eligible adults, including professionals
23 providing medical or rehabilitation services and all other
24 persons having direct contact with eligible adults;

25 (8) a person who performs the duties of a coroner or
26 medical examiner;

1 (9) a person who performs the duties of a paramedic or
2 an emergency medical technician; or

3 (10) a person who performs the duties of an investment
4 advisor.

5 (g) "Neglect" means another individual's failure to
6 provide an eligible adult with or willful withholding from an
7 eligible adult the necessities of life including, but not
8 limited to, food, clothing, shelter or health care. This
9 subsection does not create any new affirmative duty to provide
10 support to eligible adults. Nothing in this Act shall be
11 construed to mean that an eligible adult is a victim of neglect
12 because of health care services provided or not provided by
13 licensed health care professionals.

14 (h) "Provider agency" means any public or nonprofit agency
15 in a planning and service area that is selected by the
16 Department or appointed by the regional administrative agency
17 with prior approval by the Department on Aging to receive and
18 assess reports of alleged or suspected abuse, abandonment,
19 neglect, or financial exploitation. A provider agency is also
20 referenced as a "designated agency" in this Act.

21 (i) "Regional administrative agency" means any public or
22 nonprofit agency in a planning and service area that provides
23 regional oversight and performs functions as set forth in
24 subsection (b) of Section 3 of this Act. The Department shall
25 designate an Area Agency on Aging as the regional
26 administrative agency or, in the event the Area Agency on

1 Aging in that planning and service area is deemed by the
2 Department to be unwilling or unable to provide those
3 functions, the Department may serve as the regional
4 administrative agency or designate another qualified entity to
5 serve as the regional administrative agency; any such
6 designation shall be subject to terms set forth by the
7 Department.

8 (i-5) "Self-neglect" means a condition that is the result
9 of an eligible adult's inability, due to physical or mental
10 impairments, or both, or a diminished capacity, to perform
11 essential self-care tasks that substantially threaten his or
12 her own health, including: providing essential food, clothing,
13 shelter, and health care; and obtaining goods and services
14 necessary to maintain physical health, mental health,
15 emotional well-being, and general safety. The term includes
16 compulsive hoarding, which is characterized by the acquisition
17 and retention of large quantities of items and materials that
18 produce an extensively cluttered living space, which
19 significantly impairs the performance of essential self-care
20 tasks or otherwise substantially threatens life or safety.

21 (j) "Substantiated case" means a reported case of alleged
22 or suspected abuse, abandonment, neglect, financial
23 exploitation, or self-neglect in which a provider agency,
24 after assessment, determines that there is reason to believe
25 abuse, abandonment, neglect, or financial exploitation has
26 occurred.

1 (k) "Verified" means a determination that there is "clear
2 and convincing evidence" that the specific injury or harm
3 alleged was the result of abuse, abandonment, neglect, or
4 financial exploitation.

5 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22;
6 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)

7 (320 ILCS 20/3.5)

8 Sec. 3.5. Other responsibilities. The Department shall
9 also be responsible for the following activities, contingent
10 upon adequate funding; implementation shall be expanded to
11 adults with disabilities upon the effective date of this
12 amendatory Act of the 98th General Assembly, except those
13 responsibilities under subsection (a), which shall be
14 undertaken as soon as practicable:

15 (a) promotion of a wide range of endeavors for the
16 purpose of preventing abuse, abandonment, neglect,
17 financial exploitation, and self-neglect, including, but
18 not limited to, promotion of public and professional
19 education to increase awareness of abuse, abandonment,
20 neglect, financial exploitation, and self-neglect; to
21 increase reports; to establish access to and use of the
22 Registry established under Section 7.5; and to improve
23 response by various legal, financial, social, and health
24 systems;

25 (b) coordination of efforts with other agencies,

1 councils, and like entities, to include but not be limited
2 to, the Administrative Office of the Illinois Courts, the
3 Office of the Attorney General, the Illinois State Police,
4 the Illinois Law Enforcement Training Standards Board, the
5 State Triad, the Illinois Criminal Justice Information
6 Authority, the Departments of Public Health, Healthcare
7 and Family Services, and Human Services, the Department of
8 Disability Advocacy and Illinois Guardianship and Advocacy
9 Commission, the Family Violence Coordinating Council, the
10 Illinois Violence Prevention Authority, and other entities
11 which may impact awareness of, and response to, abuse,
12 abandonment, neglect, financial exploitation, and
13 self-neglect;

14 (c) collection and analysis of data;

15 (d) monitoring of the performance of regional
16 administrative agencies and adult protective services
17 agencies;

18 (e) promotion of prevention activities;

19 (f) establishing and coordinating an aggressive
20 training program on the unique nature of adult abuse cases
21 with other agencies, councils, and like entities, to
22 include but not be limited to the Office of the Attorney
23 General, the Illinois State Police, the Illinois Law
24 Enforcement Training Standards Board, the State Triad, the
25 Illinois Criminal Justice Information Authority, the State
26 Departments of Public Health, Healthcare and Family

1 Services, and Human Services, the Family Violence
2 Coordinating Council, the Illinois Violence Prevention
3 Authority, the agency designated by the Governor under
4 Section 1 of the Protection and Advocacy for Persons with
5 Developmental Disabilities Act, and other entities that
6 may impact awareness of and response to abuse,
7 abandonment, neglect, financial exploitation, and
8 self-neglect;

9 (g) solicitation of financial institutions for the
10 purpose of making information available to the general
11 public warning of financial exploitation of adults and
12 related financial fraud or abuse, including such
13 information and warnings available through signage or
14 other written materials provided by the Department on the
15 premises of such financial institutions, provided that the
16 manner of displaying or distributing such information is
17 subject to the sole discretion of each financial
18 institution; and

19 (g-1) developing by joint rulemaking with the
20 Department of Financial and Professional Regulation
21 minimum training standards which shall be used by
22 financial institutions for their current and new employees
23 with direct customer contact; the Department of Financial
24 and Professional Regulation shall retain sole visitation
25 and enforcement authority under this subsection (g-1); the
26 Department of Financial and Professional Regulation shall

1 provide bi-annual reports to the Department setting forth
2 aggregate statistics on the training programs required
3 under this subsection (g-1).

4 (Source: P.A. 102-244, eff. 1-1-22; 102-538, eff. 8-20-21;
5 102-813, eff. 5-13-22; 103-626, eff. 1-1-25.)

6 Section 10-95. The Mental Health and Developmental
7 Disabilities Code is amended by changing Sections 2-103,
8 2-108, 2-109, 2-114, 2-200, 2-201, 3-206, 3-405, 3-805, 3-910,
9 4-201.1, 4-203, 4-605, and 5-100 as follows:

10 (405 ILCS 5/2-103) (from Ch. 91 1/2, par. 2-103)

11 Sec. 2-103. Except as provided in this Section, a
12 recipient who resides in a mental health or developmental
13 disabilities facility shall be permitted unimpeded, private,
14 and uncensored communication with persons of his choice by
15 mail, telephone and visitation.

16 (a) The facility director shall ensure that correspondence
17 can be conveniently received and mailed, that telephones are
18 reasonably accessible, and that space for visits is available.
19 Writing materials, postage and telephone usage funds shall be
20 provided in reasonable amounts to recipients who reside in
21 Department facilities and who are unable to procure such
22 items.

23 (b) Reasonable times and places for the use of telephones
24 and for visits may be established in writing by the facility

1 director.

2 (c) Unimpeded, private and uncensored communication by
3 mail, telephone, and visitation may be reasonably restricted
4 by the facility director only in order to protect the
5 recipient or others from harm, harassment or intimidation,
6 provided that notice of such restriction shall be given to all
7 recipients upon admission. When communications are restricted,
8 the facility shall advise the recipient that he has the right
9 to require the facility to notify the affected parties of the
10 restriction, and to notify such affected party when the
11 restrictions are no longer in effect. However, all letters
12 addressed by a recipient to the Governor, members of the
13 General Assembly, Attorney General, judges, state's attorneys,
14 the Department of Disability Advocacy and Guardianship and
15 ~~Advocacy Commission~~, or the Agency designated pursuant to "An
16 Act in relation to the protection and advocacy of the rights of
17 persons with developmental disabilities, and amending Acts
18 therein named", approved September 20, 1985, officers of the
19 Department, or licensed attorneys at law must be forwarded at
20 once to the persons to whom they are addressed without
21 examination by the facility authorities. Letters in reply from
22 the officials and attorneys mentioned above must be delivered
23 to the recipient without examination by the facility
24 authorities.

25 (d) No facility shall prevent any attorney who represents
26 a recipient or who has been requested to do so by any relative

1 or family member of the recipient, from visiting a recipient
2 during normal business hours, unless that recipient refuses to
3 meet with the attorney.

4 (e) Whenever, as the result of the closing or the
5 reduction in the number of units or available beds of any
6 mental health facility operated by the Department of Human
7 Services, the State determines to enter into a contract with
8 any mental health facility to provide hospitalization to
9 persons who would otherwise be served by the State-operated
10 mental health facility, the resident shall be entitled to the
11 same rights under this Section.

12 (Source: P.A. 97-1007, eff. 8-17-12.)

13 (405 ILCS 5/2-108) (from Ch. 91 1/2, par. 2-108)

14 Sec. 2-108. Use of restraint. Restraint may be used only
15 as a therapeutic measure to prevent a recipient from causing
16 physical harm to himself or physical abuse to others.
17 Restraint may only be applied by a person who has been trained
18 in the application of the particular type of restraint to be
19 utilized. In no event shall restraint be utilized to punish or
20 discipline a recipient, nor is restraint to be used as a
21 convenience for the staff.

22 (a) Except as provided in this Section, restraint shall be
23 employed only upon the written order of a physician, clinical
24 psychologist, clinical social worker, clinical professional
25 counselor, advanced practice psychiatric nurse, or registered

1 nurse with supervisory responsibilities. No restraint shall be
2 ordered unless the physician, clinical psychologist, clinical
3 social worker, clinical professional counselor, advanced
4 practice psychiatric nurse, or registered nurse with
5 supervisory responsibilities, after personally observing and
6 examining the recipient, is clinically satisfied that the use
7 of restraint is justified to prevent the recipient from
8 causing physical harm to himself or others. In no event may
9 restraint continue for longer than 2 hours unless within that
10 time period a nurse with supervisory responsibilities,
11 advanced practice psychiatric nurse, or a physician confirms,
12 in writing, following a personal examination of the recipient,
13 that the restraint does not pose an undue risk to the
14 recipient's health in light of the recipient's physical or
15 medical condition. The order shall state the events leading up
16 to the need for restraint and the purposes for which restraint
17 is employed. The order shall also state the length of time
18 restraint is to be employed and the clinical justification for
19 that length of time. No order for restraint shall be valid for
20 more than 16 hours. If further restraint is required, a new
21 order must be issued pursuant to the requirements provided in
22 this Section.

23 (b) In the event there is an emergency requiring the
24 immediate use of restraint, it may be ordered temporarily by a
25 qualified person only where a physician, clinical
26 psychologist, clinical social worker, clinical professional

1 counselor, advanced practice psychiatric nurse, or registered
2 nurse with supervisory responsibilities is not immediately
3 available. In that event, an order by a nurse, clinical
4 psychologist, clinical social worker, clinical professional
5 counselor, advanced practice psychiatric nurse, or physician
6 shall be obtained pursuant to the requirements of this Section
7 as quickly as possible, and the recipient shall be examined by
8 a physician or supervisory nurse within 2 hours after the
9 initial employment of the emergency restraint. Whoever orders
10 restraint in emergency situations shall document its necessity
11 and place that documentation in the recipient's record.

12 (c) The person who orders restraint shall inform the
13 facility director or his designee in writing of the use of
14 restraint within 24 hours.

15 (d) The facility director shall review all restraint
16 orders daily and shall inquire into the reasons for the orders
17 for restraint by any person who routinely orders them.

18 (e) Restraint may be employed during all or part of one
19 24-hour ~~24-hour~~ period, the period commencing with the initial
20 application of the restraint. However, once restraint has been
21 employed during one 24-hour ~~24-hour~~ period, it shall not be
22 used again on the same recipient during the next 48 hours
23 without the prior written authorization of the facility
24 director.

25 (f) Restraint shall be employed in a humane and
26 therapeutic manner and the person being restrained shall be

1 observed by a qualified person as often as is clinically
2 appropriate but in no event less than once every 15 minutes.
3 The qualified person shall maintain a record of the
4 observations. Specifically, unless there is an immediate
5 danger that the recipient will physically harm himself or
6 others, restraint shall be loosely applied to permit freedom
7 of movement. Further, the recipient shall be permitted to have
8 regular meals and toilet privileges free from the restraint,
9 except when freedom of action may result in physical harm to
10 the recipient or others.

11 (g) Every facility that employs restraint shall provide
12 training in the safe and humane application of each type of
13 restraint employed. The facility shall not authorize the use
14 of any type of restraint by an employee who has not received
15 training in the safe and humane application of that type of
16 restraint. Each facility in which restraint is used shall
17 maintain records detailing which employees have been trained
18 and are authorized to apply restraint, the date of the
19 training and the type of restraint that the employee was
20 trained to use.

21 (h) Whenever restraint is imposed upon any recipient whose
22 primary mode of communication is sign language, the recipient
23 shall be permitted to have his hands free from restraint for
24 brief periods each hour, except when freedom may result in
25 physical harm to the recipient or others.

26 (i) A recipient who is restrained may only be secluded at

1 the same time pursuant to an explicit written authorization as
2 provided in Section 2-109 of this Code. Whenever a recipient
3 is restrained, a member of the facility staff shall remain
4 with the recipient at all times unless the recipient has been
5 secluded. A recipient who is restrained and secluded shall be
6 observed by a qualified person as often as is clinically
7 appropriate but in no event less than every 15 minutes.

8 (j) Whenever restraint is used, the recipient shall be
9 advised of his right, pursuant to Sections 2-200 and 2-201 of
10 this Code, to have any person of his choosing, including the
11 Department of Disability Advocacy and Guardianship ~~and~~
12 ~~Advocacy Commission~~ or the agency designated pursuant to the
13 Protection and Advocacy for Persons with Developmental
14 Disabilities Act notified of the restraint. A recipient who is
15 under guardianship may request that any person of his choosing
16 be notified of the restraint whether or not the guardian
17 approves of the notice. Whenever the Department of Disability
18 Advocacy and Guardianship ~~and Advocacy Commission~~ is notified
19 that a recipient has been restrained, it shall contact that
20 recipient to determine the circumstances of the restraint and
21 whether further action is warranted.

22 (Source: P.A. 101-587, eff. 1-1-20.)

23 (405 ILCS 5/2-109) (from Ch. 91 1/2, par. 2-109)

24 Sec. 2-109. Seclusion. Seclusion may be used only as a
25 therapeutic measure to prevent a recipient from causing

1 physical harm to himself or physical abuse to others. In no
2 event shall seclusion be utilized to punish or discipline a
3 recipient, nor is seclusion to be used as a convenience for the
4 staff.

5 (a) Seclusion shall be employed only upon the written
6 order of a physician, clinical psychologist, clinical social
7 worker, clinical professional counselor, advanced practice
8 psychiatric nurse, or registered nurse with supervisory
9 responsibilities. No seclusion shall be ordered unless the
10 physician, clinical psychologist, clinical social worker,
11 clinical professional counselor, advanced practice psychiatric
12 nurse, or registered nurse with supervisory responsibilities,
13 after personally observing and examining the recipient, is
14 clinically satisfied that the use of seclusion is justified to
15 prevent the recipient from causing physical harm to himself or
16 others. In no event may seclusion continue for longer than 2
17 hours unless within that time period a nurse with supervisory
18 responsibilities, advanced practice psychiatric nurse, or a
19 physician confirms in writing, following a personal
20 examination of the recipient, that the seclusion does not pose
21 an undue risk to the recipient's health in light of the
22 recipient's physical or medical condition. The order shall
23 state the events leading up to the need for seclusion and the
24 purposes for which seclusion is employed. The order shall also
25 state the length of time seclusion is to be employed and the
26 clinical justification for the length of time. No order for

1 seclusion shall be valid for more than 16 hours. If further
2 seclusion is required, a new order must be issued pursuant to
3 the requirements provided in this Section.

4 (b) The person who orders seclusion shall inform the
5 facility director or his designee in writing of the use of
6 seclusion within 24 hours.

7 (c) The facility director shall review all seclusion
8 orders daily and shall inquire into the reasons for the orders
9 for seclusion by any person who routinely orders them.

10 (d) Seclusion may be employed during all or part of one
11 16-hour ~~16-hour~~ period, that period commencing with the
12 initial application of the seclusion. However, once seclusion
13 has been employed during one 16-hour ~~16-hour~~ period, it shall
14 not be used again on the same recipient during the next 48
15 hours without the prior written authorization of the facility
16 director.

17 (e) The person who ordered the seclusion shall assign a
18 qualified person to observe the recipient at all times. A
19 recipient who is restrained and secluded shall be observed by
20 a qualified person as often as is clinically appropriate but
21 in no event less than once every 15 minutes.

22 (f) Safety precautions shall be followed to prevent
23 injuries to the recipient in the seclusion room. Seclusion
24 rooms shall be adequately lighted, heated, and furnished. If a
25 door is locked, someone with a key shall be in constant
26 attendance nearby.

1 (g) Whenever seclusion is used, the recipient shall be
2 advised of his right, pursuant to Sections 2-200 and 2-201 of
3 this Code, to have any person of his choosing, including the
4 Department of Disability Advocacy and Guardianship ~~and~~
5 ~~Advocacy Commission~~ notified of the seclusion. A person who is
6 under guardianship may request that any person of his choosing
7 be notified of the seclusion whether or not the guardian
8 approves of the notice. Whenever the Department of Disability
9 Advocacy and Guardianship ~~and Advocacy Commission~~ is notified
10 that a recipient has been secluded, it shall contact that
11 recipient to determine the circumstances of the seclusion and
12 whether further action is warranted.

13 (Source: P.A. 101-587, eff. 1-1-20.)

14 (405 ILCS 5/2-114) (from Ch. 91 1/2, par. 2-114)

15 Sec. 2-114. (a) Whenever an attorney or other advocate
16 from the Department of Disability Advocacy and Guardianship
17 ~~and Advocacy Commission~~ or the agency designated by the
18 Governor under Section 1 of the Protection and Advocacy for
19 Persons with Developmental Disabilities Act or any other
20 attorney advises a facility in which a recipient is receiving
21 inpatient mental health services that he is presently
22 representing the recipient, or has been appointed by any court
23 or administrative agency to do so or has been requested to
24 represent the recipient by a member of the recipient's family,
25 the facility shall, subject to the provisions of Section 2-113

1 of this Code, disclose to the attorney or advocate whether the
2 recipient is presently residing in the facility and, if so,
3 how the attorney or advocate may communicate with the
4 recipient.

5 (b) The facility may take reasonable precautions to
6 identify the attorney or advocate. No further information
7 shall be disclosed to the attorney or advocate except in
8 conformity with the authorization procedures contained in the
9 Mental Health and Developmental Disabilities Confidentiality
10 Act.

11 (c) Whenever the location of the recipient has been
12 disclosed to an attorney or advocate, the facility director
13 shall inform the recipient of that fact and shall note this
14 disclosure in the recipient's records.

15 (d) An attorney or advocate who receives any information
16 under this Section may not disclose this information to anyone
17 else without the written consent of the recipient obtained
18 pursuant to Section 5 of the Mental Health and Developmental
19 Disabilities Confidentiality Act.

20 (Source: P.A. 99-143, eff. 7-27-15.)

21 (405 ILCS 5/2-200) (from Ch. 91 1/2, par. 2-200)

22 Sec. 2-200. (a) Upon commencement of services, or as soon
23 thereafter as the condition of the recipient permits, every
24 adult recipient, as well as the recipient's guardian or
25 substitute decision maker, and every recipient who is 12 years

1 of age or older and the parent or guardian of a minor or person
2 under guardianship shall be informed orally and in writing of
3 the rights guaranteed by this Chapter which are relevant to
4 the nature of the recipient's services program. The notice
5 shall include, if applicable, the recipient's right to request
6 a transfer to a different Department facility under Section
7 3-908. Every facility shall also post conspicuously in public
8 areas a summary of the rights which are relevant to the
9 services delivered by that facility as well as contact
10 information for the Department of Disability Advocacy and
11 Guardianship and Advocacy Commission and the agency designated
12 by the Governor under Section 1 of the Protection and Advocacy
13 for Persons with Developmental Disabilities Act.

14 (b) A recipient who is 12 years of age or older and the
15 parent or guardian of a minor or person under guardianship at
16 any time may designate, and upon commencement of services
17 shall be informed of the right to designate, a person or agency
18 to receive notice under Section 2-201 or to direct that no
19 information about the recipient be disclosed to any person or
20 agency.

21 (c) Upon commencement of services, or as soon thereafter
22 as the condition of the recipient permits, the facility shall
23 ask the adult recipient or minor recipient admitted pursuant
24 to Section 3-502 whether the recipient wants the facility to
25 contact the recipient's spouse, parents, guardian, close
26 relatives, friends, attorney, advocate from the Department of

1 Disability Advocacy and Guardianship and ~~Advocacy Commission~~
2 or the agency designated by the Governor under Section 1 of the
3 Protection and Advocacy for Persons with Developmental
4 Disabilities Act, or others and inform them of the recipient's
5 presence at the facility. The facility shall by phone or by
6 mail contact at least two of those people designated by the
7 recipient and shall inform them of the recipient's location.
8 If the recipient so requests, the facility shall also inform
9 them of how to contact the recipient.

10 (d) Upon commencement of services, or as soon thereafter
11 as the condition of the recipient permits, the facility shall
12 advise the recipient as to the circumstances under which the
13 law permits the use of emergency forced medication or
14 electroconvulsive therapy under subsection (a) of Section
15 2-107, restraint under Section 2-108, or seclusion under
16 Section 2-109. At the same time, the facility shall inquire of
17 the recipient which form of intervention the recipient would
18 prefer if any of these circumstances should arise. The
19 recipient's preference shall be noted in the recipient's
20 record and communicated by the facility to the recipient's
21 guardian or substitute decision maker, if any, and any other
22 individual designated by the recipient. If any such
23 circumstances subsequently do arise, the facility shall give
24 due consideration to the preferences of the recipient
25 regarding which form of intervention to use as communicated to
26 the facility by the recipient or as stated in the recipient's

1 advance directive.

2 (Source: P.A. 102-593, eff. 8-27-21.)

3 (405 ILCS 5/2-201) (from Ch. 91 1/2, par. 2-201)

4 Sec. 2-201. (a) Whenever any rights of a recipient of
5 services that are specified in this Chapter are restricted,
6 the professional responsible for overseeing the implementation
7 of the recipient's services plan shall be responsible for
8 promptly giving notice of the restriction or use of restraint
9 or seclusion and the reason therefor to:

10 (1) the recipient and, if such recipient is a minor or
11 under guardianship, his parent or guardian;

12 (2) a person designated under subsection (b) of
13 Section 2-200 upon commencement of services or at any
14 later time to receive such notice;

15 (3) the facility director;

16 (4) the Department of Disability Advocacy and
17 Guardianship and Advocacy Commission, or the agency
18 designated under "An Act in relation to the protection and
19 advocacy of the rights of persons with developmental
20 disabilities, and amending Acts therein named", approved
21 September 20, 1985, if either is so designated; and

22 (5) the recipient's substitute decision maker, if any.

23 The professional shall also be responsible for promptly
24 recording such restriction or use of restraint or seclusion
25 and the reason therefor in the recipient's record.

1 (b) The facility director shall maintain a file of all
2 notices of restrictions of rights, or the use of restraint or
3 seclusion for the past 3 years. The facility director shall
4 allow the Department of Disability Advocacy and Guardianship
5 ~~and Advocacy Commission~~, the agency designated by the Governor
6 under Section 1 of "An Act in relation to the protection and
7 advocacy of the rights of persons with developmental
8 disabilities, and amending Acts therein named," approved
9 September 20, 1985, and the Department to examine and copy
10 such records upon request. Records obtained under this Section
11 shall not be further disclosed except pursuant to written
12 authorization of the recipient under Section 5 of the Mental
13 Health and Developmental Disabilities Confidentiality Act.

14 (Source: P.A. 91-726, eff. 6-2-00.)

15 (405 ILCS 5/3-206) (from Ch. 91 1/2, par. 3-206)

16 Sec. 3-206. Whenever a person is admitted or objects to
17 admission, and whenever a recipient is notified that his legal
18 status is to be changed, the facility director of the mental
19 health facility shall provide the person, if he is 12 or older,
20 with the address and phone number of the Department of
21 Disability Advocacy and Guardianship ~~and Advocacy Commission~~.
22 If the person requests, the facility director shall assist him
23 in contacting the Department of Disability Advocacy and
24 Guardianship ~~Commission~~.

25 (Source: P.A. 88-380.)

1 (405 ILCS 5/3-405) (from Ch. 91 1/2, par. 3-405)

2 Sec. 3-405. (a) If the facility director of a Department
3 mental health facility declines to admit a person seeking
4 admission under Articles III or IV of this Chapter, a review of
5 the denial may be requested by the person seeking admission
6 or, with his consent, by an interested person on his behalf.
7 Such a request may be made on behalf of a minor presented for
8 admission under Section 3-502, 3-503 or 3-504 by the minor's
9 attorney, by the parent, guardian or person in loco parentis
10 who executed the application for his admission, or by the
11 minor himself if he is 16 years of age or older. Whenever
12 admission to a Department facility is denied, the person
13 seeking admission shall immediately be given written notice of
14 the right to request review of the denial under this Section
15 and shall be provided, if he is 12 or older, with the address
16 and phone number of the Department of Disability Advocacy and
17 Guardianship and Advocacy Commission. If the person requests,
18 the facility director shall assist him in contacting the
19 Department of Disability Advocacy and Guardianship Commission.
20 A written request for review shall be submitted to the
21 director of the facility that denied admission within 14 days
22 of the denial. Upon receipt of the request, the facility
23 director shall promptly schedule a hearing to be held at the
24 denying facility within 7 days pursuant to Section 3-207.

25 (b) At the hearing the Department shall have the burden of

1 proving that the person denied admission does not meet the
2 standard set forth in the Section under which admission is
3 sought or that an appropriate alternative community treatment
4 program was available to meet the person's needs and was
5 offered. If the utilization review committee finds that the
6 decision denying admission is based upon substantial evidence,
7 it shall recommend that the denial of admission be upheld.
8 However, if it finds that the facility to which admission is
9 sought can provide adequate and appropriate treatment for the
10 person and no appropriate community alternative treatment is
11 available, it shall recommend that the person denied admission
12 be admitted. If it determines that another facility can
13 provide treatment appropriate to the clinical condition and
14 needs of the person denied admission, it may recommend that
15 the Department or other agency assist the person in obtaining
16 such treatment.

17 (Source: P.A. 91-726, eff. 6-2-00.)

18 (405 ILCS 5/3-805) (from Ch. 91 1/2, par. 3-805)

19 Sec. 3-805. Every respondent alleged to be subject to
20 involuntary admission on an inpatient or outpatient basis
21 shall be represented by counsel. If the respondent is indigent
22 or an appearance has not been entered on his behalf at the time
23 the matter is set for hearing, the court shall appoint counsel
24 for him. A hearing shall not proceed when a respondent is not
25 represented by counsel unless, after conferring with counsel,

1 the respondent requests to represent himself and the court is
2 satisfied that the respondent has the capacity to make an
3 informed waiver of his right to counsel. Counsel shall be
4 allowed time for adequate preparation and shall not be
5 prevented from conferring with the respondent at reasonable
6 times nor from making an investigation of the matters in issue
7 and presenting such relevant evidence as he believes is
8 necessary.

9 1. If the court determines that the respondent is unable
10 to obtain counsel, the court shall appoint as counsel an
11 attorney employed by or under contract with the Department of
12 Disability Advocacy and Guardianship ~~and Mental Health~~
13 ~~Advocacy Commission~~, if available.

14 2. If an attorney from the Department of Disability
15 Advocacy and Guardianship ~~and Mental Health Advocacy~~
16 ~~Commission~~ is not available, the court shall appoint as
17 counsel the public defender or, only if no public defender is
18 available, an attorney licensed to practice law in this State.

19 3. Upon filing with the court of a verified statement of
20 legal services rendered by the private attorney appointed
21 pursuant to paragraph (2) of this Section, the court shall
22 determine a reasonable fee for such services. If the
23 respondent is unable to pay the fee, the court shall enter an
24 order upon the county to pay the entire fee or such amount as
25 the respondent is unable to pay.

26 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

1 (405 ILCS 5/3-910) (from Ch. 91 1/2, par. 3-910)

2 Sec. 3-910. (a) Whenever a recipient who has been in a
3 Department facility for more than 7 days is to be transferred
4 to another facility under Section 3-908, the facility director
5 of the facility shall give written notice at least 14 days
6 before the transfer to the recipient, his attorney, guardian,
7 if any, and responsible relative. In the case of a minor,
8 notice shall be given to his attorney, to the parent,
9 guardian, or person in loco parentis who executed the
10 application for his admission, and to the minor himself if he
11 is 12 years of age or older. The notice shall include the
12 reasons for transfer, a statement of the right to object and
13 the address and phone number of the Department of Disability
14 Advocacy and Guardianship ~~and Advocacy Commission~~. If the
15 recipient requests, the facility director shall assist him in
16 contacting the Department of Disability Advocacy and
17 Guardianship ~~Commission~~.

18 (b) In an emergency, when the health of the recipient or
19 the physical safety of the recipient or others is imminently
20 imperiled and appropriate care is not available where the
21 recipient is located, a recipient may be immediately
22 transferred to another facility provided that notice of the
23 transfer is given as soon as possible but not more than 48
24 hours after transfer. The reason for the emergency shall be
25 noted in the recipient's record and specified in the notice.

1 (c) A recipient may object to his transfer or his
2 attorney, guardian, or responsible relative may object on his
3 behalf. In the case of a minor, his attorney, the person who
4 executed the application for admission, or the minor himself
5 if he is 12 years of age or older, may object to the transfer.
6 Prior to transfer or within 14 days after an emergency
7 transfer, a written objection shall be submitted to the
8 facility director of the facility where the recipient is
9 located. Upon receipt of an objection, the facility director
10 shall promptly schedule a hearing to be held within 7 days
11 pursuant to Section 3-207. The hearing shall be held at the
12 transferring facility except that when an emergency transfer
13 has taken place the hearing may be held at the receiving
14 facility. Except in an emergency, no transfer shall proceed
15 pending hearing on an objection.

16 (d) At the hearing the Department shall have the burden of
17 proving that the standard for transfer under Section 3-908 is
18 met. If the transfer is to a facility which is substantially
19 more physically restrictive than the transferring facility,
20 the Department shall also prove that the transfer is
21 reasonably required for the safety of the recipient or others.
22 If the utilization review committee finds that the Department
23 has sustained its burden and the decision to transfer is based
24 upon substantial evidence, it shall recommend that the
25 transfer proceed. If it does not so find, it shall recommend
26 that the recipient not be transferred.

1 (Source: P.A. 88-380.)

2 (405 ILCS 5/4-201.1) (from Ch. 91 1/2, par. 4-201.1)

3 Sec. 4-201.1. (a) A person residing in a Department mental
4 health facility who is evaluated as having a mild or moderate
5 intellectual disability, an attorney or advocate representing
6 the person, or a guardian of such person may object to the
7 Department facility director's certification required in
8 Section 4-201, the treatment and habilitation plan, or
9 appropriateness of setting, and obtain an administrative
10 decision requiring revision of a treatment or habilitation
11 plan or change of setting, by utilization review as provided
12 in Sections 3-207 and 4-209 of this Code. As part of this
13 utilization review, the Committee shall include as one of its
14 members a qualified intellectual disabilities professional.

15 (b) The mental health facility director shall give written
16 notice to each person evaluated as having a mild or moderate
17 intellectual disability, the person's attorney and guardian,
18 if any, or in the case of a minor, to his or her attorney, to
19 the parent, guardian or person in loco parentis and to the
20 minor if 12 years of age or older, of the person's right to
21 request a review of the facility director's initial or
22 subsequent determination that such person is appropriately
23 placed or is receiving appropriate services. The notice shall
24 also provide the address and phone number of the Division of
25 Legal Advocacy ~~Service~~ of the Department of Disability

1 Advocacy and Guardianship and ~~Advocacy Commission~~, which the
2 person or guardian can contact for legal assistance. If
3 requested, the facility director shall assist the person or
4 guardian in contacting the Division of Legal Advocacy Service.
5 This notice shall be given within 24 hours of ~~Department's~~
6 evaluation by the Department of Human Services that the person
7 has a mild or moderate intellectual disability.

8 (c) Any recipient of services who successfully challenges
9 a final decision of the Secretary of the Department (or his or
10 her designee) reviewing an objection to the certification
11 required under Section 4-201, the treatment and habilitation
12 plan, or the appropriateness of the setting shall be entitled
13 to recover reasonable attorney's fees incurred in that
14 challenge, unless the Department's position was substantially
15 justified.

16 (Source: P.A. 99-143, eff. 7-27-15.)

17 (405 ILCS 5/4-203) (from Ch. 91 1/2, par. 4-203)

18 Sec. 4-203. (a) Every developmental disabilities facility
19 shall maintain adequate records which shall include the
20 Section of this Act under which the client was admitted, any
21 subsequent change in the client's status, and requisite
22 documentation for such admission and status.

23 (b) The Department shall ensure that a monthly report is
24 maintained for each Department mental health facility, and
25 each unit of a Department developmental disability facility

1 for dually diagnosed persons, which lists (1) initials of
2 persons admitted to, residing at, or discharged from a
3 Department mental health facility or unit for dually diagnosed
4 persons of Department developmental disability facility during
5 that month with a primary or secondary diagnosis of
6 intellectual disability, (2) the date and facility and unit of
7 admission or continuing, care, (3) the legal admission status,
8 (4) the recipient's diagnosis, (5) the date and facility and
9 unit of transfer or discharge, (6) whether or not there is a
10 public or private guardian, (7) whether the facility director
11 has certified that appropriate treatment and habilitation are
12 available for and being provided to such person pursuant to
13 Section 4-203 of this Chapter, and (8) whether the person or a
14 guardian has requested review as provided in Section 4-209 of
15 this Chapter and, if so, the outcome of the review. The
16 Secretary of the Department shall furnish a copy of each
17 monthly report upon request to the Department of Disability
18 Advocacy and Guardianship ~~and Advocacy Commission~~ and the
19 agency designated by the Governor under Section 1 of "An Act in
20 relation to the protection and advocacy of the rights of
21 persons with developmental disabilities, and amending certain
22 Acts therein named", approved September 20, 1985, and under
23 Section 1 of "An Act for the protection and advocacy of
24 mentally ill persons", approved September 20, 1987.

25 (c) Nothing contained in this Chapter shall be construed
26 to limit or otherwise affect the power of any developmental

1 disabilities facility to determine the qualifications of
2 persons permitted to admit clients to such facility. This
3 subsection shall not affect or limit the powers of any court to
4 order admission to a developmental disabilities facility as
5 set forth in this Chapter.

6 (Source: P.A. 97-227, eff. 1-1-12.)

7 (405 ILCS 5/4-605) (from Ch. 91 1/2, par. 4-605)

8 Sec. 4-605. Every respondent alleged to meet the standard
9 for judicial admission shall be represented by counsel. If the
10 respondent is indigent or an appearance has not been entered
11 on his behalf at the time the matter is set for hearing, the
12 court shall appoint counsel for him. A hearing shall not
13 proceed when a respondent is not represented by counsel
14 unless, after conferring with counsel, the respondent requests
15 to represent himself and the court is satisfied that the
16 respondent has the capacity to make an informed waiver of his
17 right to counsel. Counsel shall be allowed time for adequate
18 preparation and shall not be prevented from conferring with
19 the respondent at reasonable times nor from making an
20 investigation of the matters in issue and presenting such
21 relevant evidence as he believes is necessary.

22 1. If the court determines that the respondent is unable
23 to obtain counsel, the court shall appoint as counsel an
24 attorney employed by or under contract with the Department of
25 Disability Advocacy and Guardianship and Advocacy Commission,

1 if available.

2 2. If an attorney from the Department of Disability
3 Advocacy and Guardianship ~~and Advocacy Commission~~ is not
4 available, the court shall appoint as counsel the public
5 defender or, only if no public defender is available, an
6 attorney licensed to practice law in this State.

7 3. Upon filing with the court of a verified statement of
8 legal services rendered by the private attorney appointed
9 pursuant to paragraph (2) of this Section, the court shall
10 determine a reasonable fee for such services. If the
11 respondent is unable to pay the fee, the court shall enter an
12 order upon the county to pay the entire fee or such amount as
13 the respondent is unable to pay.

14 (Source: P.A. 85-1247.)

15 (405 ILCS 5/5-100) (from Ch. 91 1/2, par. 5-100)

16 Sec. 5-100. Written notice of the death of a recipient of
17 services which occurs at a mental health or developmental
18 disabilities facility, or the death of a recipient of services
19 who has not been discharged from a mental health or
20 developmental disabilities facility but whose death occurs
21 elsewhere, shall within 10 days of the death of a recipient be
22 mailed to the Department of Public Health which, for the
23 primary purpose of monitoring patterns of abuse and neglect of
24 recipients of services, shall make such notices available to
25 the Department of Disability Advocacy and Guardianship ~~and~~

1 ~~Advocacy Commission~~ and to the agency designated by the
2 Governor under Section 1 of "An Act in relation to the
3 protection and advocacy of the rights of persons with
4 developmental disabilities, and amending Acts therein named",
5 approved September 20, 1985. Such notice shall include the
6 name of the recipient, the name and address of the facility at
7 which the death occurred, the recipient's age, the nature of
8 the recipient's condition, including any evidence of the
9 previous injuries or disabilities, or relevant medical
10 conditions or any other information which might be helpful in
11 establishing the cause of death.

12 Written notice of the death of a recipient of services who
13 was admitted by court order, and the cause thereof shall, in
14 all cases, be mailed by the facility director to the court
15 entering the original admission order, and if possible, to the
16 same judge, and the time, place and alleged cause of such death
17 shall be entered upon the docket. Such notice must be mailed
18 within 10 days following the death of the recipient.

19 In the event of a sudden or mysterious death of any
20 recipient of services at any public or private facility, a
21 coroner's inquest shall be held as provided by law in other
22 cases.

23 In cases where the deceased person was a recipient or
24 client of any state facility, and the fees for holding an
25 inquest cannot be collected out of his estate, such fees shall
26 be paid by the Department.

1 (Source: P.A. 88-380.)

2 Section 10-100. The Alzheimer's Disease Assistance Act is
3 amended by changing Section 6 as follows:

4 (410 ILCS 405/6) (from Ch. 111 1/2, par. 6956)

5 Sec. 6. Alzheimer's Disease Advisory Committee.

6 (a) There is created the Alzheimer's Disease Advisory
7 Committee consisting of 17 voting members appointed by the
8 Director of the Department, as well as 5 nonvoting members as
9 hereinafter provided in this Section. The Director or his
10 designee shall serve as one of the 17 voting members and as the
11 Chairman of the Committee. Those appointed as voting members
12 shall include persons who are experienced in research and the
13 delivery of services to individuals with Alzheimer's disease
14 or a related disorder and their families. Such members shall
15 include:

16 (1) one individual from a statewide association
17 dedicated to Alzheimer's care, support, and research;

18 (2) one individual from a non-governmental statewide
19 organization that advocates for seniors;

20 (3) the Dementia Coordinator of the Illinois
21 Department of Public Health, or the Dementia Coordinator's
22 designee;

23 (4) one individual representing the Community Care
24 Program's Home and Community Services Division;

1 (5) one individual representing the Adult Protective
2 Services Unit;

3 (6) 3 individuals from Alzheimer's Disease Assistance
4 Centers;

5 (7) one individual from a statewide association
6 representing an adult day service organization;

7 (8) one individual from a statewide association
8 representing home care providers;

9 (9) one individual from a statewide trade organization
10 representing the interests of physicians licensed to
11 practice medicine in all of its branches in Illinois;

12 (10) one individual representing long-term care
13 facilities licensed under the Nursing Home Care Act, an
14 assisted living establishment licensed under the Assisted
15 Living and Shared Housing Act, or supportive living
16 facilities;

17 (11) one individual from a statewide association
18 representing the interests of social workers;

19 (12) one individual representing Area Agencies on
20 Aging;

21 (13) the Medicaid Director of the Department of
22 Healthcare and Family Services, or the Medicaid Director's
23 designee;

24 (14) one individual from a statewide association
25 representing health education and promotion and public
26 health advocacy; and

1 (15) one individual with medical or academic
2 experience with early onset Alzheimer's disease or related
3 disorders.

4 (b) In addition to the 17 voting members, the Directors of
5 the following State agencies or their designees who are
6 qualified to represent each Department's programs and services
7 for those with Alzheimer's disease or related disorders shall
8 serve as nonvoting members: Department on Aging, Department of
9 Healthcare and Family Services, Department of Public Health,
10 Department of Human Services, and Department of Disability
11 Advocacy and Guardianship ~~and Advocacy Commission~~.

12 Each voting member appointed by the Director of Public
13 Health shall serve for a term of 2 years, and until his
14 successor is appointed and qualified. Members of the Committee
15 shall not be compensated but shall be reimbursed for expenses
16 actually incurred in the performance of their duties.
17 Vacancies shall be filled in the same manner as original
18 appointments.

19 The Committee shall review all State programs and services
20 provided by State agencies that are directed toward persons
21 with Alzheimer's disease and related dementias, and by
22 consensus recommend changes to improve the State's response to
23 this serious health problem. Such recommendations shall be
24 included in the State plan described in this Act.

25 (Source: P.A. 101-588, eff. 1-1-20.)

1 Section 10-103. The Vital Records Act is amended by
2 changing Section 25.2 as follows:

3 (410 ILCS 535/25.2)

4 Sec. 25.2. Division ~~Office~~ of State Guardian birth record
5 request.

6 (a) For purposes of this Section, an individual's status
7 as a person under guardianship of ~~with~~ the Division ~~Office~~ of
8 State Guardian may be verified with a copy of the court order
9 placing the individual under the guardianship of the Division
10 ~~Office~~ of State Guardian.

11 (b) The applicable fees under Section 17 for a new
12 certificate of birth and under Section 25 for a search for a
13 birth record or certified copy of a birth record shall be
14 waived for requests made by the Division ~~Office~~ of State
15 Guardian to the Office of the State Registrar of Vital Records
16 in Springfield for an individual under guardianship of the
17 Division ~~Office~~ of State Guardian, whose status is verified
18 under subsection (a) of this Section.

19 (c) The State Registrar of Vital Records shall establish
20 standards and procedures consistent with this Section for
21 waiver of the applicable fees.

22 (d) An individual under guardianship shall be provided no
23 more than 4 birth records annually under this Section.

24 (Source: P.A. 103-682, eff. 7-1-25.)

1 Section 10-105. The Clerks of Courts Act is amended by
2 changing Section 27.3f as follows:

3 (705 ILCS 105/27.3f)

4 Sec. 27.3f. Guardianship and advocacy operations fee.

5 (a) As used in this Section, "guardianship and advocacy"
6 means the guardianship and advocacy services provided by the
7 Department of Disability Advocacy and Guardianship ~~and~~
8 ~~Advocacy Commission~~ and defined in the Guardianship and
9 Advocacy Act. Viable public guardianship and advocacy
10 programs, including the public guardianship programs created
11 and supervised in probate proceedings in the Illinois courts,
12 are essential to the administration of justice and ensure that
13 incapacitated persons and their estates are protected. To
14 defray the expense of maintaining and operating the divisions
15 and programs of the Department of Disability Advocacy and
16 Guardianship ~~and Advocacy Commission~~ and to support viable
17 guardianship and advocacy programs throughout Illinois, each
18 circuit court clerk shall charge and collect a fee on all
19 matters filed in probate cases in accordance with this
20 Section, but no fees shall be assessed against the Division of
21 State Guardian, any State agency under the jurisdiction of the
22 Governor, any public guardian, or any State's Attorney.

23 (b) No fee specified in this Section shall be imposed in
24 any minor guardianship established under Article XI of the
25 Probate Act of 1975, or against an indigent person. An

1 indigent person shall include any person who meets one or more
2 of the following criteria:

3 (1) He or she is receiving assistance under one or
4 more of the following public benefits programs:
5 Supplemental Security Income (SSI), Aid to the Aged,
6 Blind, and Disabled (AABD), Temporary Assistance for Needy
7 Families (TANF), Supplemental Nutrition Assistance Program
8 (SNAP) (formerly Food Stamps), General Assistance, State
9 Transitional Assistance, or State Children and Family
10 Assistance.

11 (2) His or her available income is 125% or less of the
12 current poverty level as established by the United States
13 Department of Health and Human Services, unless the
14 applicant's assets that are not exempt under Part 9 or 10
15 of Article XII of the Code of Civil Procedure are of a
16 nature and value that the court determines that the
17 applicant is able to pay the fees, costs, and charges.

18 (3) He or she is, in the discretion of the court,
19 unable to proceed in an action without payment of fees,
20 costs, and charges and whose payment of those fees, costs,
21 and charges would result in substantial hardship to the
22 person or his or her family.

23 (4) He or she is an indigent person pursuant to
24 Section 5-105.5 of the Code of Civil Procedure, providing
25 that an "indigent person" means a person whose income is
26 125% or less of the current official federal poverty

1 guidelines or who is otherwise eligible to receive civil
2 legal services under the Legal Services Corporation Act of
3 1974.

4 (c) The clerk is entitled to receive the fee specified in
5 this Section, which shall be paid in advance, and managed by
6 the clerk as set out in paragraph (2), except that, for good
7 cause shown, the court may suspend, reduce, or release the
8 costs payable under this Section:

9 (1) For administration of the estate of a decedent
10 (whether testate or intestate) or of a missing person, a
11 fee of \$100.

12 (2) The guardianship and advocacy operations fee, as
13 outlined in this Section, shall be in addition to all
14 other fees and charges and assessable as costs. Five
15 percent of the fee shall be retained by the clerk for
16 deposit into the Circuit Court Clerk Operation and
17 Administrative Fund to defray costs of collection and 95%
18 of the fee shall be disbursed within 60 days after receipt
19 by the circuit clerk to the State Treasurer for deposit by
20 the State Treasurer into the Guardianship and Advocacy
21 Fund.

22 (Source: P.A. 97-1093, eff. 1-1-13.)

23 Section 10-110. The Criminal Code of 2012 is amended by
24 changing Section 12-9 as follows:

1 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

2 Sec. 12-9. Threatening public officials; human service
3 providers.

4 (a) A person commits threatening a public official or
5 human service provider when:

6 (1) that person knowingly delivers or conveys,
7 directly or indirectly, to a public official or human
8 service provider by any means a communication:

9 (i) containing a threat that would place the
10 public official or human service provider or a member
11 of his or her immediate family in reasonable
12 apprehension of immediate or future bodily harm,
13 sexual assault, confinement, or restraint; or

14 (ii) containing a threat that would place the
15 public official or human service provider or a member
16 of his or her immediate family in reasonable
17 apprehension that damage will occur to property in the
18 custody, care, or control of the public official or
19 his or her immediate family; and

20 (2) the threat was conveyed because of the performance
21 or nonperformance of some public duty or duty as a human
22 service provider, because of hostility of the person
23 making the threat toward the status or position of the
24 public official or the human service provider, or because
25 of any other factor related to the official's public
26 existence.

1 (a-5) For purposes of a threat to a sworn law enforcement
2 officer, the threat must contain specific facts indicative of
3 a unique threat to the person, family or property of the
4 officer and not a generalized threat of harm.

5 (a-6) For purposes of a threat to a social worker,
6 caseworker, investigator, or human service provider, the
7 threat must contain specific facts indicative of a unique
8 threat to the person, family or property of the individual and
9 not a generalized threat of harm.

10 (b) For purposes of this Section:

11 (1) "Public official" means a person who is elected to
12 office in accordance with a statute or who is appointed to
13 an office which is established, and the qualifications and
14 duties of which are prescribed, by statute, to discharge a
15 public duty for the State or any of its political
16 subdivisions or in the case of an elective office any
17 person who has filed the required documents for nomination
18 or election to such office. "Public official" includes a
19 duly appointed assistant State's Attorney, assistant
20 Attorney General, or Appellate Prosecutor; a sworn law
21 enforcement or peace officer; a social worker, caseworker,
22 attorney, or investigator employed by the Department of
23 Healthcare and Family Services, the Department of Human
24 Services, the Department of Children and Family Services,
25 or the Department of Disability Advocacy and Guardianship
26 ~~and Advocacy Commission~~; or an assistant public guardian,

1 attorney, social worker, case manager, or investigator
2 employed by a duly appointed public guardian.

3 (1.5) "Human service provider" means a social worker,
4 case worker, or investigator employed by an agency or
5 organization providing social work, case work, or
6 investigative services under a contract with or a grant
7 from the Department of Human Services, the Department of
8 Children and Family Services, the Department of Healthcare
9 and Family Services, or the Department on Aging.

10 (2) "Immediate family" means a public official's
11 spouse or child or children.

12 (c) Threatening a public official or human service
13 provider is a Class 3 felony for a first offense and a Class 2
14 felony for a second or subsequent offense.

15 (Source: P.A. 100-1, eff. 1-1-18.)

16 Section 10-115. The Mental Health and Developmental
17 Disabilities Confidentiality Act is amended by changing
18 Sections 4, 8, and 8.1 as follows:

19 (740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

20 Sec. 4. (a) The following persons shall be entitled, upon
21 request, to inspect and copy a recipient's record or any part
22 thereof:

23 (1) the parent or guardian of a recipient who is under
24 12 years of age;

1 (2) the recipient if he is 12 years of age or older;

2 (3) the parent or guardian of a recipient who is at
3 least 12 but under 18 years, if the recipient is informed
4 and does not object or if the therapist does not find that
5 there are compelling reasons for denying the access. The
6 parent or guardian who is denied access by either the
7 recipient or the therapist may petition a court for access
8 to the record. Nothing in this paragraph is intended to
9 prohibit the parent or guardian of a recipient who is at
10 least 12 but under 18 years from requesting and receiving
11 the following information: current physical and mental
12 condition, diagnosis, treatment needs, services provided,
13 and services needed, including medication, if any;

14 (3.5) the parent or guardian of a minor, regardless of
15 the minor's age, if the minor is involved in special
16 education services under Section 14-1.11 of the School
17 Code, and only for the purpose of inspecting and copying a
18 record of the specific mental health or developmental
19 services that the parent or guardian consented to on the
20 recipient's behalf for special education services; or the
21 designated representative of a student over the age of 18
22 involved in special education services under Section
23 14-6.10 of the School Code;

24 (4) the guardian of a recipient who is 18 years or
25 older;

26 (5) an attorney or guardian ad litem who represents a

1 minor 12 years of age or older in any judicial or
2 administrative proceeding, provided that the court or
3 administrative hearing officer has entered an order
4 granting the attorney this right;

5 (6) an agent appointed under a recipient's power of
6 attorney for health care or for property, when the power
7 of attorney authorizes the access;

8 (7) an attorney-in-fact appointed under the Mental
9 Health Treatment Preference Declaration Act; or

10 (8) any person in whose care and custody the recipient
11 has been placed pursuant to Section 3-811 of the Mental
12 Health and Developmental Disabilities Code.

13 (b) Assistance in interpreting the record may be provided
14 without charge and shall be provided if the person inspecting
15 the record is under 18 years of age. However, access may in no
16 way be denied or limited if the person inspecting the record
17 refuses the assistance. A reasonable fee may be charged for
18 duplication of a record. However, when requested to do so in
19 writing by any indigent recipient, the custodian of the
20 records shall provide at no charge to the recipient, or to the
21 Department of Disability Advocacy and Guardianship and
22 Advocacy Commission, the agency designated by the Governor
23 under Section 1 of the Protection and Advocacy for Persons
24 with Developmental Disabilities Act or to any other
25 not-for-profit agency whose primary purpose is to provide free
26 legal services or advocacy for the indigent and who has

1 received written authorization from the recipient under
2 Section 5 of this Act to receive his records, one copy of any
3 records in its possession whose disclosure is authorized under
4 this Act.

5 (c) Any person entitled to access to a record under this
6 Section may submit a written statement concerning any disputed
7 or new information, which statement shall be entered into the
8 record. Whenever any disputed part of a record is disclosed,
9 any submitted statement relating thereto shall accompany the
10 disclosed part. Additionally, any person entitled to access
11 may request modification of any part of the record which he
12 believes is incorrect or misleading. If the request is
13 refused, the person may seek a court order to compel
14 modification.

15 (d) Whenever access or modification is requested, the
16 request and any action taken thereon shall be noted in the
17 recipient's record.

18 (e) Nothing in this Section shall be construed to affect
19 the protection of or access to records under the Illinois
20 School Student Records Act or the federal Individuals with
21 Disabilities Education Act.

22 (Source: P.A. 103-474, eff. 1-1-24; 104-263, eff. 1-1-26.)

23 (740 ILCS 110/8) (from Ch. 91 1/2, par. 808)

24 Sec. 8. In the course of an investigation, or in the course
25 of monitoring issues concerning the rights of recipients or

1 the services provided to recipients as authorized by
2 subsection (1) of Section 5 of the Guardianship and Advocacy
3 Act, the Division of Disability Rights and Protections ~~a~~
4 ~~regional human rights authority~~ of the Department of
5 Disability Advocacy and Guardianship and Advocacy Commission
6 created by the Guardianship and Advocacy Act may inspect and
7 copy any recipient's records in the possession of a therapist,
8 agency, department, ~~Department~~ or facility which provides
9 services to a recipient, including reports of suspected abuse
10 or neglect of a recipient and information regarding the
11 disposition of such reports. However, the Division of
12 Disability Rights and Protections ~~a regional authority~~ may not
13 inspect or copy records containing personally identifiable
14 data which cannot be removed without imposing an unreasonable
15 burden on the therapist, agency, department, ~~Department~~ or
16 facility which provides services, except as provided herein.
17 The Division of Disability Rights and Protections ~~regional~~
18 ~~authority~~ shall give written notice to the person entitled to
19 give consent for the identifiable recipient of services under
20 Section 4 that it is conducting an investigation or monitoring
21 and indicating the nature and purpose of the investigation or
22 monitoring and the need to inspect and copy the recipient's
23 record. If the person notified objects in writing to such
24 inspection and copying, the Division of Disability Rights and
25 Protections ~~regional authority~~ may not inspect or copy the
26 record. The therapist, agency, department, ~~Department~~ or

1 facility which provides services may not object on behalf of a
2 recipient.

3 (Source: P.A. 86-820; 86-1013; 86-1475.)

4 (740 ILCS 110/8.1) (from Ch. 91 1/2, par. 808.1)

5 Sec. 8.1. The agency designated by the Governor under
6 Section 1 of "An Act in relation to the protection and advocacy
7 of the rights of persons with developmental disabilities, and
8 amending Acts therein named", approved September 20, 1985, as
9 now or hereafter amended, shall have access, for the purpose
10 of inspection and copying, to the records of a person with
11 developmental disabilities who resides in a developmental
12 disability facility or mental health facility, as defined in
13 Sections 1-107 and 1-114, respectively, of the Mental Health
14 and Developmental Disabilities Code, as now or hereafter
15 amended, if (a) a complaint is received by such agency from or
16 on behalf of the person with a developmental disability, and
17 (b) such person does not have a guardian of the person or the
18 State or the designee of the State is his or her guardian of
19 the person. The designated agency shall provide written notice
20 of the receipt of a complaint to the custodian of the records
21 of the person from whom or on whose behalf a complaint is
22 received. The designated agency shall provide to the person
23 with developmental disabilities and to the Division of his or
24 her State Guardian guardian, if appointed, written notice of
25 the nature of the complaint based upon which the designated

1 agency has gained access to the records. No record or the
2 contents of any record shall be redisclosed by the designated
3 agency unless the person with developmental disabilities and
4 the Division of State Guardian ~~guardian~~ are provided 7 days
5 advance written notice, except in emergency situations, of the
6 designated agency's intent to redisclose such record, during
7 which time the person with developmental disabilities or the
8 Division of State Guardian ~~guardian~~ may seek to judicially
9 enjoin the designated agency's redisclosure of such record on
10 the grounds that such redisclosure is contrary to the
11 interests of the person with developmental disabilities. If a
12 person with developmental disabilities resides in a
13 developmental disability or mental health facility and has a
14 guardian other than the State or the designee of the State, the
15 facility director shall disclose the guardian's name, address
16 and telephone number to the designated agency at the agency's
17 request.

18 Upon written request and after the provision of written
19 notice to the agency, facility or other body from which
20 records and other materials are sought of the designated
21 agency's investigation of problems affecting numbers of
22 persons with developmental disabilities, the designated agency
23 shall be entitled to inspect and copy any records or other
24 materials which may further the agency's investigation of
25 problems affecting numbers of persons with developmental
26 disabilities. When required by law any personally identifiable

1 information of persons with developmental disabilities shall
2 be removed from the records. However, the designated agency
3 may not inspect or copy records or other materials when the
4 removal of personally identifiable information imposes an
5 unreasonable burden on mental health and developmental
6 disabilities facilities.

7 For the purposes of this Section, "developmental
8 disability" means a severe, chronic disability of a person
9 which -

10 (A) is attributable to a mental or physical impairment or
11 combination of mental and physical impairments;

12 (B) is manifested before the person attains age 22;

13 (C) is likely to continue indefinitely;

14 (D) results in substantial functional limitations in 3 or
15 more of the following areas of major life activity: (i)
16 self-care, (ii) receptive and expressive language, (iii)
17 learning, (iv) mobility, (v) self-direction, (vi) capacity for
18 independent living, and (vii) economic self-sufficiency; and

19 (E) reflects the person's need for a combination and
20 sequence of special, interdisciplinary or generic care,
21 treatment or other services which are of lifelong or extended
22 duration and are individually planned and coordinated.

23 (Source: P.A. 88-380.)

24 Section 10-120. The Adoption Act is amended by changing
25 Section 13 as follows:

1 (750 ILCS 50/13) (from Ch. 40, par. 1516)

2 Sec. 13. Interim order. As soon as practicable after the
3 filing of a petition for adoption the court shall hold a
4 hearing for the following purposes:

5 A. In other than an adoption of a related child or an
6 adoption through an agency, or of an adult:

7 (a) To determine the validity of the consent, provided
8 that the execution of a consent pursuant to this Act shall
9 be prima facie evidence of its validity, and provided that
10 the validity of a consent shall not be affected by the
11 omission therefrom of the names of the petitioners or
12 adopting parents at the time the consent is executed or
13 acknowledged, and further provided that the execution of a
14 consent prior to the filing of a petition for adoption
15 shall not affect its validity.

16 (b) To determine whether there is available suitable
17 temporary custodial care for a child sought to be adopted.

18 B. In all cases except standby adoptions and re-adoptions:

19 (a) The court shall appoint some licensed attorney
20 other than the State's attorney acting in his or her
21 official capacity as guardian ad litem to represent a
22 child sought to be adopted. Such guardian ad litem shall
23 have power to consent to the adoption of the child, if such
24 consent is required. In the case of a related adoption
25 where the child sought to be adopted is not a youth in

1 care, the court shall have the discretion to waive the
2 appointment of a guardian ad litem.

3 (b) The court shall appoint a guardian ad litem for
4 all named minors or defendants who are persons under legal
5 disability, if any. In the case of a related adoption
6 where the child sought to be adopted is not a youth in
7 care, the court shall have the discretion to waive the
8 appointment of a guardian ad litem.

9 (c) If the petition alleges a person to be unfit
10 pursuant to the provisions of subparagraph (p) of
11 paragraph D of Section 1 of this Act, such person shall be
12 represented by counsel. If such person is indigent or an
13 appearance has not been entered on his behalf at the time
14 the matter is set for hearing, the court shall appoint as
15 counsel for him either the Department of Disability
16 Advocacy and Guardianship ~~and Advocacy Commission~~, the
17 public defender, or, only if no attorney from the
18 Department of Disability Advocacy and Guardianship ~~and~~
19 ~~Advocacy Commission~~ or the public defender is available,
20 an attorney licensed to practice law in this State.

21 (d) If it is proved to the satisfaction of the court,
22 after such investigation as the court deems necessary,
23 that termination of parental rights and temporary
24 commitment of the child to an agency or to a person deemed
25 competent by the court, including petitioners, will be for
26 the welfare of the child, the court may order the child to

1 be so committed and may terminate the parental rights of
2 the parents and declare the child a ward of the court or,
3 if it is not so proved, the court may enter such other
4 order as it shall deem necessary and advisable.

5 (e) Before an interim custody order is granted under
6 this Section, service of summons shall be had upon the
7 parent or parents whose rights have not been terminated,
8 except as provided in subsection (f). Reasonable notice
9 and opportunity to be heard shall be given to the parent or
10 parents after service of summons when the address of the
11 parent or parents is available. The party seeking an
12 interim custody order shall make all reasonable efforts to
13 locate the parent or parents of the child or children they
14 are seeking to adopt and to notify the parent or parents of
15 the party's request for an interim custody order pursuant
16 to this Section.

17 (f) An interim custody order may be granted without
18 notice upon presentation to the court of a written
19 petition, accompanied by an affidavit, stating that there
20 is an immediate danger to the child and that irreparable
21 harm will result to the child if notice is given to the
22 parent or parents or legal guardian. Upon making a finding
23 that there is an immediate danger to the child if service
24 of process is had upon and notice of hearing is given to
25 the parent or parents or legal guardian prior to the entry
26 of an order granting temporary custody to someone other

1 than a parent or legal guardian, the court may enter an
2 order of temporary custody which shall expire not more
3 than 10 days after its entry. Every ex parte custody order
4 granted without notice shall state the injury which the
5 court sought to avoid by granting the order, the
6 irreparable injury that would have occurred had notice
7 been given, and the reason the order was granted without
8 notice. The matter shall be set down for full hearing
9 before the expiration of the ex parte order and will be
10 heard after service of summons is had upon and notice of
11 hearing is given to the parent or parents or legal
12 guardian. At the hearing the burden of proof shall be upon
13 the party seeking to extend the interim custody order to
14 show that the order was properly granted without notice
15 and that custody should remain with the party seeking to
16 adopt during the pendency of the adoption proceeding. If
17 the interim custody order is extended, the reasons for
18 granting the extension shall be stated in the order.

19 C. In the case of a child born outside the United States or
20 a territory thereof, if the petitioners have previously been
21 appointed guardians of such child by a court of competent
22 jurisdiction in a country other than the United States or a
23 territory thereof, the court may order that the petitioners
24 continue as guardians of such child.

25 D. In standby adoption cases:

26 (a) The court shall appoint a licensed attorney other

1 than the State's Attorney acting in his or her official
2 capacity as guardian ad litem to represent a child sought
3 to be adopted. The guardian ad litem shall have power to
4 consent to the adoption of the child, if consent is
5 required.

6 (b) The court shall appoint a guardian ad litem for
7 all named minors or defendants who are persons under legal
8 disability, if any. In the case of a related adoption
9 where the child sought to be adopted is not a youth in
10 care, the court shall have the discretion to waive the
11 appointment of a guardian ad litem.

12 (c) The court lacks jurisdiction to proceed on the
13 petition for standby adoption if the child has a living
14 parent, adoptive parent, or adjudicated parent whose
15 rights have not been terminated and whose whereabouts are
16 known, unless the parent consents to the standby adoption
17 or, after receiving notice of the hearing on the standby
18 adoption petition, fails to object to the appointment of a
19 standby adoptive parent at the hearing on the petition.

20 (d) The court shall investigate as needed for the
21 welfare of the child and shall determine whether the
22 petitioner or petitioners shall be permitted to adopt.

23 (Source: P.A. 102-139, eff. 1-1-22.)

24 Section 10-125. The Probate Act of 1975 is amended by
25 changing Sections 11a-3.1, 11a-3.2, 11a-5, 11a-5.1, 11a-8.1,

1 11a-9, 11a-12, 11a-13, 11a-14.1, 11a-17, 12-4, 13-1, and
2 13-1.2 as follows:

3 (755 ILCS 5/11a-3.1)

4 Sec. 11a-3.1. Appointment of standby guardian.

5 (a) The guardian of a person with a disability may
6 designate in any writing, including a will, a person qualified
7 to act under Section 11a-5 to be appointed as standby guardian
8 of the person or estate, or both, of the person with a
9 disability. The guardian may designate in any writing,
10 including a will, a person qualified to act under Section
11 11a-5 to be appointed as successor standby guardian of the
12 person or estate of the person with a disability, or both. The
13 designation must be witnessed by 2 or more credible witnesses
14 at least 18 years of age, neither of whom is the person
15 designated as the standby guardian. The designation may be
16 proved by any competent evidence. If the designation is
17 executed and attested in the same manner as a will, it shall
18 have prima facie validity. Prior to designating a proposed
19 standby guardian, the guardian shall consult with the person
20 with a disability to determine the preference of the person
21 with a disability as to the person who will serve as standby
22 guardian. The guardian shall give due consideration to the
23 preference of the person with a disability in selecting a
24 standby guardian.

25 (b) Upon the filing of a petition for the appointment of a

1 standby guardian, the court may appoint a standby guardian of
2 the person or estate, or both, of the person with a disability
3 as the court finds to be in the best interests of the person
4 with a disability. The court shall apply the same standards
5 used in determining the suitability of a plenary or limited
6 guardian in determining the suitability of a standby guardian,
7 giving due consideration to the preference of the person with
8 a disability as to a standby guardian. The court may not
9 appoint the Division Office of State Guardian, pursuant to
10 Section 30 of the Guardianship and Advocacy Act, or a public
11 guardian, pursuant to Section 13-5 of this Act, as a standby
12 guardian, without the written consent of the Division of State
13 Guardian or public guardian or an authorized representative of
14 the Division of State Guardian or public guardian.

15 (c) The standby guardian shall take and file an oath or
16 affirmation that the standby guardian will faithfully
17 discharge the duties of the office of standby guardian
18 according to law, and shall file in and have approved by the
19 court a bond binding the standby guardian so to do, but shall
20 not be required to file a bond until the standby guardian
21 assumes all duties as guardian of the person with a disability
22 under Section 11a-18.2.

23 (d) The designation of a standby guardian may, but need
24 not, be in the following form:

25 DESIGNATION OF STANDBY GUARDIAN

26 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

1 A standby guardian is someone who has been appointed
2 by the court as the person who will act as guardian of the
3 person with a disability when the guardian of the person
4 with a disability dies or is no longer willing or able to
5 make and carry out day-to-day care decisions concerning
6 the person with a disability. By properly completing this
7 form, a guardian is naming the person that the guardian
8 wants to be appointed as the standby guardian of the
9 person with a disability. Signing the form does not
10 appoint the standby guardian; to be appointed, a petition
11 must be filed in and approved by the court.]

12 1. Guardian and Ward. I, (insert name of designating
13 guardian), currently residing at (insert address of
14 designating guardian), am the guardian of the following
15 person with a disability: (insert name of ward).

16 2. Standby Guardian. I hereby designate the following
17 person to be appointed as standby guardian for my ward
18 listed above: (insert name and address of person
19 designated).

20 3. Successor Standby Guardian. If the person named in
21 item 2 above cannot or will not act as standby guardian, I
22 designate the following person to be appointed as
23 successor standby guardian for my ward: (insert name and
24 address of person designated).

25 4. Date and Signature. This designation is made this
26 (insert day) day of (insert month and year).

1 Signed: (designating guardian)

2 5. Witnesses. I saw the guardian sign this designation
3 or the guardian told me that the guardian signed this
4 designation. Then I signed the designation as a witness in
5 the presence of the guardian. I am not designated in this
6 instrument to act as a standby guardian for the guardian's
7 ward. (insert space for names, addresses, and signatures
8 of 2 witnesses)

9 [END OF FORM]

10 (Source: P.A. 102-72, eff. 1-1-22.)

11 (755 ILCS 5/11a-3.2)

12 Sec. 11a-3.2. Short-term guardian.

13 (a) The guardian of a person with a disability may appoint
14 in writing, without court approval, a short-term guardian of
15 the person with a disability to take over the guardian's
16 duties, to the extent provided in Section 11a-18.3, each time
17 the guardian is unavailable or unable to carry out those
18 duties. The guardian shall consult with the person with a
19 disability to determine the preference of the person with a
20 disability concerning the person to be appointed as short-term
21 guardian and the guardian shall give due consideration to the
22 preference of the person with a disability in choosing a
23 short-term guardian. The written instrument appointing a
24 short-term guardian shall be dated and shall identify the
25 appointing guardian, the person with a disability, the person

1 appointed to be the short-term guardian, and the termination
2 date of the appointment. The written instrument shall be
3 signed by, or at the direction of, the appointing guardian in
4 the presence of at least 2 credible witnesses at least 18 years
5 of age, neither of whom is the person appointed as the
6 short-term guardian. The person appointed as the short-term
7 guardian shall also sign the written instrument, but need not
8 sign at the same time as the appointing guardian. A guardian
9 may not appoint the Division ~~Office~~ of State Guardian or a
10 public guardian as a short-term guardian, without the written
11 consent of the Division of State Guardian or public guardian
12 or an authorized representative of the State Guardian or
13 public guardian.

14 (b) The appointment of the short-term guardian is
15 effective immediately upon the date the written instrument is
16 executed, unless the written instrument provides for the
17 appointment to become effective upon a later specified date or
18 event. A short-term guardian appointed by the guardian shall
19 have authority to act as guardian of the person with a
20 disability for a cumulative total of 60 days during any
21 12-month period. Only one written instrument appointing a
22 short-term guardian may be in force at any given time.

23 (c) Every appointment of a short-term guardian may be
24 amended or revoked by the appointing guardian at any time and
25 in any manner communicated to the short-term guardian or to
26 any other person. Any person other than the short-term

1 guardian to whom a revocation or amendment is communicated or
2 delivered shall make all reasonable efforts to inform the
3 short-term guardian of that fact as promptly as possible.

4 (d) The appointment of a short-term guardian or successor
5 short-term guardian does not affect the rights in the person
6 with a disability of any guardian other than the appointing
7 guardian.

8 (e) The written instrument appointing a short-term
9 guardian may, but need not, be in the following form:

10 APPOINTMENT OF SHORT-TERM GUARDIAN

11 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

12 By properly completing this form, a guardian is
13 appointing a short-term guardian of the person with a
14 disability for a cumulative total of up to 60 days during
15 any 12-month period. A separate form shall be completed
16 each time a short-term guardian takes over guardianship
17 duties. The person or persons appointed as the short-term
18 guardian shall sign the form, but need not do so at the
19 same time as the guardian.]

20 1. Guardian and Ward. I, (insert name of appointing
21 guardian), currently residing at (insert address of
22 appointing guardian), am the guardian of the following
23 person with a disability: (insert name of ward).

24 2. Short-term Guardian. I hereby appoint the following
25 person as the short-term guardian for my ward: (insert

1 name and address of appointed person).

2 3. Effective date. This appointment becomes effective:
3 (check one if you wish it to be applicable)

4 () On the date that I state in writing that I am no
5 longer either willing or able to make and carry out
6 day-to-day care decisions concerning my ward.

7 () On the date that a physician familiar with my
8 condition certifies in writing that I am no longer willing
9 or able to make and carry out day-to-day care decisions
10 concerning my ward.

11 () On the date that I am admitted as an in-patient to
12 a hospital or other health care institution.

13 () On the following date: (insert date).

14 () Other: (insert other).

15 [NOTE: If this item is not completed, the appointment
16 is effective immediately upon the date the form is signed
17 and dated below.]

18 4. Termination. This appointment shall terminate on:
19 (enter a date corresponding to 60 days from the current
20 date, less the number of days within the past 12 months
21 that any short-term guardian has taken over guardianship
22 duties), unless it terminates sooner as determined by the
23 event or date I have indicated below: (check one if you
24 wish it to be applicable)

25 () On the date that I state in writing that I am
26 willing and able to make and carry out day-to-day care

1 decisions concerning my ward.

2 () On the date that a physician familiar with my
3 condition certifies in writing that I am willing and able
4 to make and carry out day-to-day care decisions concerning
5 my ward.

6 () On the date that I am discharged from the hospital
7 or other health care institution where I was admitted as
8 an in-patient, which established the effective date.

9 () On the date which is (state a number of days) days
10 after the effective date.

11 () Other: (insert other).

12 [NOTE: If this item is not completed, the appointment
13 will be effective until the 60th day within the past year
14 during which time any short-term guardian of this ward had
15 taken over guardianship duties from the guardian,
16 beginning on the effective date.]

17 5. Date and signature of appointing guardian. This
18 appointment is made this (insert day) day of (insert month
19 and year).

20 Signed: (appointing guardian)

21 6. Witnesses. I saw the guardian sign this instrument
22 or I saw the guardian direct someone to sign this
23 instrument for the guardian. Then I signed this instrument
24 as a witness in the presence of the guardian. I am not
25 appointed in this instrument to act as the short-term
26 guardian for the guardian's ward. (insert space for names,

1 addresses, and signatures of 2 witnesses)

2 7. Acceptance of short-term guardian. I accept this
3 appointment as short-term guardian on this (insert day)
4 day of (insert month and year).

5 Signed: (short-term guardian)

6 [END OF FORM]

7 (f) Each time the guardian appoints a short-term guardian,
8 the guardian shall: (i) provide the person with a disability
9 with the name, address, and telephone number of the short-term
10 guardian; (ii) advise the person with a disability that he has
11 the right to object to the appointment of the short-term
12 guardian by filing a petition in court; and (iii) notify the
13 person with a disability when the short-term guardian will be
14 taking over guardianship duties and the length of time that
15 the short-term guardian will be acting as guardian.

16 (Source: P.A. 102-72, eff. 1-1-22.)

17 (755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)

18 Sec. 11a-5. Who may act as guardian.

19 (a) A person is qualified to act as guardian of the person
20 and as guardian of the estate of a person with a disability if
21 the court finds that the proposed guardian is capable of
22 providing an active and suitable program of guardianship for
23 the person with a disability and that the proposed guardian:

24 (1) has attained the age of 18 years;

25 (2) is a resident of the United States;

1 (3) is not of unsound mind;

2 (4) is not an adjudged person with a disability as
3 defined in this Act; and

4 (5) has not been convicted of a felony, unless the
5 court finds appointment of the person convicted of a
6 felony to be in the best interests of the person with a
7 disability, and as part of the best interests
8 determination, the court has considered the nature of the
9 offense, the date of offense, and the evidence of the
10 proposed guardian's rehabilitation. No person shall be
11 appointed who has been convicted of a felony involving
12 harm or threat to a minor or an elderly person or a person
13 with a disability, including a felony sexual offense.

14 (b) Any public agency, or not-for-profit corporation found
15 capable by the court of providing an active and suitable
16 program of guardianship for the person with a disability,
17 taking into consideration the nature of such person's
18 disability and the nature of such organization's services, may
19 be appointed guardian of the person or of the estate, or both,
20 of the person with a disability. The court shall not appoint as
21 guardian an agency or employee of an agency that is directly
22 providing residential services to the ward. One person or
23 agency may be appointed guardian of the person and another
24 person or agency appointed guardian of the estate.

25 (b-5) (1) The court may appoint separate individuals or
26 entities to act as the guardian of the person and the guardian

1 of the estate of a person with a disability if the court finds
2 it is in the best interests of the person with a disability
3 that separate guardians be appointed. The court shall not
4 appoint a separate person or entity to act as guardian of the
5 person or guardian of the estate with a public guardian or the
6 Division Office of State Guardian unless the public guardian
7 or the Division Office of State Guardian agrees to such an
8 appointment.

9 (2) The court may appoint co-guardians to act as guardian
10 of the person, guardian of the estate, or both the guardian of
11 the person and the guardian of the estate if the court finds it
12 is in the best interests of the person with a disability. When
13 considering appointing co-guardians, the court shall consider
14 the proposed co-guardians' history of cooperating and working
15 together on behalf of the person with a disability. The court
16 shall appoint only co-guardians who agree to serve together.
17 The court shall not appoint a public guardian or the Division
18 ~~Office~~ of State Guardian as a co-guardian for a person with a
19 disability.

20 (c) Any corporation qualified to accept and execute trusts
21 in this State may be appointed guardian or limited guardian of
22 the estate of a person with a disability.

23 (Source: P.A. 102-72, eff. 1-1-22.)

24 (755 ILCS 5/11a-5.1)

25 Sec. 11a-5.1. Multiple guardianships. The court may not

1 appoint an individual the guardian of the person or estate of
2 an adult with disabilities before the individual has disclosed
3 to the court the number of adults with disabilities over which
4 the individual is currently appointed as guardian. If the
5 court determines that an individual is appointed guardian over
6 more than 5 adults with disabilities, then the court shall
7 issue an order directing the circuit court clerk to notify the
8 Department of Disability Advocacy and Guardianship and
9 Advocacy Commission, in a form and manner prescribed by the
10 Department of Disability Advocacy and Guardianship and
11 Advocacy Commission. The clerk shall notify the Department of
12 Disability Advocacy and Guardianship and Advocacy Commission
13 no later than 7 days after the entry of the order. The
14 Department of Disability Advocacy and Guardianship and
15 Advocacy Commission shall maintain a list of all notifications
16 it receives under this Section for reference by other agencies
17 or units of government or the public. This Section does not
18 apply to the Division Office of ~~the~~ State Guardian or a public
19 guardian.

20 (Source: P.A. 100-659, eff. 1-1-19.)

21 (755 ILCS 5/11a-8.1)

22 Sec. 11a-8.1. Petition for standby guardian of the person
23 with a disability. The petition for appointment of a standby
24 guardian of the person or the estate, or both, of a person with
25 a disability must state, if known: (a) the name, date of birth,

1 and residence of the person with a disability; (b) the names
2 and post office addresses of the nearest relatives of the
3 person with a disability in the following order: (1) the
4 spouse and adult children, parents and adult brothers and
5 sisters, if any; if none, (2) nearest adult kindred known to
6 the petitioner; (c) the name and post office address of the
7 person having guardianship of the person with a disability,
8 and of any person or persons acting as agents of the person
9 with a disability under the Illinois Power of Attorney Act;
10 (d) the name, post office address, and, in case of any
11 individual, the age and occupation of the proposed standby
12 guardian; (e) the preference of the person with a disability
13 as to the choice of standby guardian; (f) the facts concerning
14 the consent of the guardian of the person with a disability to
15 the appointment of the standby guardian, or the willingness
16 and ability of the guardian of the person with a disability to
17 make and carry out day-to-day care decisions concerning the
18 person with a disability; (g) the facts concerning the
19 execution or admission to probate of the written designation
20 of the standby guardian, if any, a copy of which shall be
21 attached to or filed with the petition; (h) the facts
22 concerning any guardianship court actions pending concerning
23 the person with a disability; and (i) the facts concerning the
24 willingness of the proposed standby guardian to serve, and in
25 the case of the Division Office of State Guardian and any
26 public guardian, evidence of a written acceptance to serve

1 signed by the Division of State Guardian or public guardian or
2 an authorized representative of the Division of State Guardian
3 or public guardian, consistent with subsection (b) of Section
4 11a-3.1.

5 (Source: P.A. 99-143, eff. 7-27-15.)

6 (755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)

7 Sec. 11a-9. Report.

8 (a) The petition for adjudication of disability and for
9 appointment of a guardian should be accompanied by a report
10 which contains (1) a description of the nature and type of the
11 respondent's disability and an assessment of how the
12 disability impacts on the ability of the respondent to make
13 decisions or to function independently; (2) an analysis and
14 results of evaluations of the respondent's mental and physical
15 condition and, where appropriate, educational condition,
16 adaptive behavior and social skills, which have been performed
17 within 3 months of the date of the filing of the petition, or,
18 in the case of an intellectual disability, a psychological
19 evaluation of the respondent that has been performed by a
20 clinical psychologist licensed under the Clinical Psychologist
21 Licensing Act, within one year of the date of the filing of the
22 petition; (3) an opinion as to whether guardianship is needed,
23 the type and scope of the guardianship needed, and the reasons
24 therefor; (4) a recommendation as to the most suitable living
25 arrangement and, where appropriate, treatment or habilitation

1 plan for the respondent and the reasons therefor; (5) the
2 name, business address, business telephone number, and
3 signatures of all persons who performed the evaluations upon
4 which the report is based, one of whom shall be a licensed
5 physician, or may, in the case of an intellectual disability,
6 be a clinical psychologist licensed under the Clinical
7 Psychologist Licensing Act, and a statement of the
8 certification, license, or other credentials that qualify the
9 evaluators who prepared the report.

10 (b) If for any reason no report accompanies the petition,
11 the court shall order appropriate evaluations to be performed
12 by a qualified person or persons and a report prepared and
13 filed with the court at least 10 days prior to the hearing.

14 (b-5) Upon oral or written motion by the respondent or the
15 guardian ad litem or upon the court's own motion, the court
16 shall appoint one or more independent experts to examine the
17 respondent. Upon the filing with the court of a verified
18 statement of services rendered by the expert or experts, the
19 court shall determine a reasonable fee for the services
20 performed. If the respondent is unable to pay the fee, the
21 court may enter an order upon the petitioner to pay the entire
22 fee or such amount as the respondent is unable to pay. However,
23 in cases where the Division Office of State Guardian is the
24 petitioner, consistent with Section 30 of the Guardianship and
25 Advocacy Act, no expert services fees shall be assessed
26 against the Division Office of the State Guardian.

1 (c) Unless the court otherwise directs, any report
2 prepared pursuant to this Section shall not be made part of the
3 public record of the proceedings but shall be available to the
4 court or an appellate court in which the proceedings are
5 subject to review, to the respondent, the petitioner, the
6 guardian, and their attorneys, to the respondent's guardian ad
7 litem, and to such other persons as the court may direct.

8 Accessibility to a report prepared pursuant to this
9 Section shall be in accordance with Section 5 of the Court
10 Record and Document Accessibility Act.

11 (Source: P.A. 102-109, eff. 1-1-22; 103-166, eff. 1-1-24.)

12 (755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

13 Sec. 11a-12. Order of appointment.

14 (a) If basis for the appointment of a guardian as
15 specified in Section 11a-3 is not found, the court shall
16 dismiss the petition.

17 (b) If the respondent is adjudged to be a person with a
18 disability and to lack some but not all of the capacity as
19 specified in Section 11a-3, and if the court finds that
20 guardianship is necessary for the protection of the person
21 with a disability, his or her estate, or both, the court shall
22 appoint a limited guardian for the respondent's person or
23 estate or both. The court shall enter a written order stating
24 the factual basis for its findings and specifying the duties
25 and powers of the guardian and the legal disabilities to which

1 the respondent is subject.

2 (c) If the respondent is adjudged to be a person with a
3 disability and to be totally without capacity as specified in
4 Section 11a-3, and if the court finds that limited
5 guardianship will not provide sufficient protection for the
6 person with a disability, his or her estate, or both, the court
7 shall appoint a plenary guardian for the respondent's person
8 or estate or both. The court shall enter a written order
9 stating the factual basis for its findings.

10 (d) The selection of the guardian shall be in the
11 discretion of the court, which shall give due consideration to
12 the preference of the person with a disability as to a
13 guardian, as well as the qualifications of the proposed
14 guardian, in making its appointment. However, the paramount
15 concern in the selection of the guardian is the best interests
16 and well-being of the person with a disability.

17 One person or agency may be appointed a limited or plenary
18 guardian of the person and another person or corporate trustee
19 appointed as a limited or plenary guardian of the estate. If
20 different persons are appointed, the court shall consider the
21 factors set forth in subsection (b-5) of Section 11a-5. The
22 court shall enter a written order stating the factual basis
23 for its findings.

24 (e) The order of appointment of a guardian shall include
25 the requirement that the guardian complete the training
26 program as provided in Section 33.5 of the Guardianship and

1 Advocacy Act that outlines the responsibilities of the
2 guardian of the person and the rights of the person under
3 guardianship and file with the court a certificate of
4 completion within one year from the date of issuance of the
5 letters of guardianship, except that: (1) the chief judge of
6 any circuit may order implementation of another training
7 program by a suitable provider containing substantially
8 similar content; (2) employees of the Division ~~Office~~ of ~~the~~
9 State Guardian, public guardians, attorneys currently
10 authorized to practice law, corporate fiduciaries, and persons
11 certified by the Center for Guardianship Certification are
12 exempt from this training requirement; and (3) the court may,
13 for good cause shown, exempt from this requirement an
14 individual not otherwise listed in item (2). For the purposes
15 of this subsection (e), good cause may be proven by affidavit.
16 If the court finds good cause to exempt an individual from the
17 training requirement, the order of appointment shall so state.
18 (Source: P.A. 104-237, eff. 1-1-26.)

19 (755 ILCS 5/11a-13) (from Ch. 110 1/2, par. 11a-13)

20 Sec. 11a-13. Costs in certain cases.)

21 (a) No costs may be taxed or charged by any public officer
22 in any proceeding for the appointment of a guardian or for any
23 subsequent proceeding or report made in pursuance of the
24 appointment when the primary purpose of the appointment is as
25 set forth in Section 11-11 or is the management of the estate

1 of a person with a mental disability who resides in a state
2 mental health or developmental disabilities facility when the
3 value of the personal estate does not exceed \$1,000.

4 (b) No costs shall be taxed or charged against the
5 Division Office of ~~the~~ State Guardian by any public officer in
6 any proceeding for the appointment of a guardian or for any
7 subsequent proceeding or report made in pursuance of the
8 appointment.

9 (Source: P.A. 99-143, eff. 7-27-15.)

10 (755 ILCS 5/11a-14.1) (from Ch. 110 1/2, par. 11a-14.1)

11 Sec. 11a-14.1. Residential placement.) No guardian
12 appointed under this Article, except for duly appointed Public
13 Guardians and the Division Office of State Guardian, shall
14 have the power, unless specified by court order, to place his
15 ward in a residential facility. The guardianship order may
16 specify the conditions on which the guardian may admit the
17 ward to a residential facility without further court order. In
18 making residential placement decisions, the guardian shall
19 make decisions in conformity with the preferences of the ward
20 unless the guardian is reasonably certain that the decisions
21 will result in substantial harm to the ward or to the ward's
22 estate. When the preferences of the ward cannot be ascertained
23 or where they will result in substantial harm to the ward or to
24 the ward's estate, the guardian shall make decisions with
25 respect to the ward's placement which are in the best

1 interests of the ward. The guardian shall not remove the ward
2 from his or her home or separate the ward from family and
3 friends unless such removal is necessary to prevent
4 substantial harm to the ward or to the ward's estate. The
5 guardian shall have a duty to investigate the availability of
6 reasonable residential alternatives. The guardian shall
7 monitor the placement of the ward on an on-going basis to
8 ensure its continued appropriateness, and shall pursue
9 appropriate alternatives as needed.

10 (Source: P.A. 90-250, eff. 7-29-97.)

11 (755 ILCS 5/11a-17) (from Ch. 110 1/2, par. 11a-17)

12 Sec. 11a-17. Duties of personal guardian.

13 (a) To the extent ordered by the court and under the
14 direction of the court, the guardian of the person shall have
15 custody of the ward and the ward's minor and adult dependent
16 children and shall procure for them and shall make provision
17 for their support, care, comfort, health, education and
18 maintenance, and professional services as are appropriate, but
19 the ward's spouse may not be deprived of the custody and
20 education of the ward's minor and adult dependent children,
21 without the consent of the spouse, unless the court finds that
22 the spouse is not a fit and competent person to have that
23 custody and education. The guardian shall assist the ward in
24 the development of maximum self-reliance and independence. The
25 guardian of the person may petition the court for an order

1 directing the guardian of the estate to pay an amount
2 periodically for the provision of the services specified by
3 the court order. If the ward's estate is insufficient to
4 provide for education and the guardian of the ward's person
5 fails to provide education, the court may award the custody of
6 the ward to some other person for the purpose of providing
7 education. If a person makes a settlement upon or provision
8 for the support or education of a ward, the court may make an
9 order for the visitation of the ward by the person making the
10 settlement or provision as the court deems proper. A guardian
11 of the person may not admit a ward to a mental health facility
12 except at the ward's request as provided in Article IV of the
13 Mental Health and Developmental Disabilities Code and unless
14 the ward has the capacity to consent to such admission as
15 provided in Article IV of the Mental Health and Developmental
16 Disabilities Code.

17 (a-3) If a guardian of an estate has not been appointed,
18 the guardian of the person may, without an order of court,
19 open, maintain, and transfer funds to an ABLE account on
20 behalf of the ward and the ward's minor and adult dependent
21 children as specified under Section 16.6 of the State
22 Treasurer Act.

23 (a-5) If the ward filed a petition for dissolution of
24 marriage under the Illinois Marriage and Dissolution of
25 Marriage Act before the ward was adjudicated a person with a
26 disability under this Article, the guardian of the ward's

1 person and estate may maintain that action for dissolution of
2 marriage on behalf of the ward. Upon petition by the guardian
3 of the ward's person or estate, the court may authorize and
4 direct a guardian of the ward's person or estate to file a
5 petition for dissolution of marriage or to file a petition for
6 legal separation or declaration of invalidity of marriage
7 under the Illinois Marriage and Dissolution of Marriage Act on
8 behalf of the ward if the court finds by clear and convincing
9 evidence that the relief sought is in the ward's best
10 interests. In making its determination, the court shall
11 consider the standards set forth in subsection (e) of this
12 Section.

13 (a-10) Upon petition by the guardian of the ward's person
14 or estate, the court may authorize and direct a guardian of the
15 ward's person or estate to consent, on behalf of the ward, to
16 the ward's marriage pursuant to Part II of the Illinois
17 Marriage and Dissolution of Marriage Act if the court finds by
18 clear and convincing evidence that the marriage is in the
19 ward's best interests. In making its determination, the court
20 shall consider the standards set forth in subsection (e) of
21 this Section. Upon presentation of a court order authorizing
22 and directing a guardian of the ward's person and estate to
23 consent to the ward's marriage, the county clerk shall accept
24 the guardian's application, appearance, and signature on
25 behalf of the ward for purposes of issuing a license to marry
26 under Section 203 of the Illinois Marriage and Dissolution of

1 Marriage Act.

2 (b) If the court directs, the guardian of the person shall
3 file with the court at intervals indicated by the court, a
4 report that shall state briefly: (1) the current mental,
5 physical, and social condition of the ward and the ward's
6 minor and adult dependent children; (2) their present living
7 arrangement, and a description and the address of every
8 residence where they lived during the reporting period and the
9 length of stay at each place; (3) a summary of the medical,
10 educational, vocational, and other professional services given
11 to them; (4) a resume of the guardian's visits with and
12 activities on behalf of the ward and the ward's minor and adult
13 dependent children; (5) a recommendation as to the need for
14 continued guardianship; (6) any other information requested by
15 the court or useful in the opinion of the guardian. The
16 Division Office of ~~the~~ State Guardian shall assist the
17 guardian in filing the report when requested by the guardian.
18 The court may take such action as it deems appropriate
19 pursuant to the report.

20 (c) Absent court order pursuant to the Illinois Power of
21 Attorney Act directing a guardian to exercise powers of the
22 principal under an agency that survives disability, the
23 guardian has no power, duty, or liability with respect to any
24 personal or health care matters covered by the agency. This
25 subsection (c) applies to all agencies, whenever and wherever
26 executed.

1 (d) A guardian acting as a surrogate decision maker under
2 the Health Care Surrogate Act shall have all the rights of a
3 surrogate under that Act without court order including the
4 right to make medical treatment decisions such as decisions to
5 forgo or withdraw life-sustaining treatment. Any decisions by
6 the guardian to forgo or withdraw life-sustaining treatment
7 that are not authorized under the Health Care Surrogate Act
8 shall require a court order. Nothing in this Section shall
9 prevent an agent acting under a power of attorney for health
10 care from exercising his or her authority under the Illinois
11 Power of Attorney Act without further court order, unless a
12 court has acted under Section 2-10 of the Illinois Power of
13 Attorney Act. If a guardian is also a health care agent for the
14 ward under a valid power of attorney for health care, the
15 guardian acting as agent may execute his or her authority
16 under that act without further court order.

17 (e) Decisions made by a guardian on behalf of a ward shall
18 be made in accordance with the following standards for
19 decision making. The guardian shall consider the ward's
20 current preferences to the extent the ward has the ability to
21 participate in decision making when those preferences are
22 known or reasonably ascertainable by the guardian. Decisions
23 by the guardian shall conform to the ward's current
24 preferences: (1) unless the guardian reasonably believes that
25 doing so would result in substantial harm to the ward's
26 welfare or personal or financial interests; and (2) so long as

1 such decisions give substantial weight to what the ward, if
2 competent, would have done or intended under the
3 circumstances, taking into account evidence that includes, but
4 is not limited to, the ward's personal, philosophical,
5 religious and moral beliefs, and ethical values relative to
6 the decision to be made by the guardian. Where possible, the
7 guardian shall determine how the ward would have made a
8 decision based on the ward's previously expressed preferences,
9 and make decisions in accordance with the preferences of the
10 ward. If the ward's wishes are unknown and remain unknown
11 after reasonable efforts to discern them, or if the guardian
12 reasonably believes that a decision made in conformity with
13 the ward's preferences would result in substantial harm to the
14 ward's welfare or personal or financial interests, the
15 decision shall be made on the basis of the ward's best
16 interests as determined by the guardian. In determining the
17 ward's best interests, the guardian shall weigh the reason for
18 and nature of the proposed action, the benefit or necessity of
19 the action, the possible risks and other consequences of the
20 proposed action, and any available alternatives and their
21 risks, consequences and benefits, and shall take into account
22 any other information, including the views of family and
23 friends, that the guardian believes the ward would have
24 considered if able to act for herself or himself.

25 (f) Upon petition by any interested person (including the
26 standby or short-term guardian), with such notice to

1 interested persons as the court directs and a finding by the
2 court that it is in the best interests of the person with a
3 disability, the court may terminate or limit the authority of
4 a standby or short-term guardian or may enter such other
5 orders as the court deems necessary to provide for the best
6 interests of the person with a disability. The petition for
7 termination or limitation of the authority of a standby or
8 short-term guardian may, but need not, be combined with a
9 petition to have another guardian appointed for the person
10 with a disability.

11 (g)(1) Unless there is a court order to the contrary, the
12 guardian, consistent with the standards set forth in
13 subsection (e) of this Section, shall use reasonable efforts
14 to notify the ward's known adult children, who have requested
15 notification and provided contact information, of the ward's
16 admission to a hospital, hospice, or palliative care program,
17 the ward's death, and the arrangements for the disposition of
18 the ward's remains.

19 (2) If a guardian unreasonably prevents an adult child,
20 spouse, adult grandchild, parent, or adult sibling of the ward
21 from visiting the ward, the court, upon a verified petition,
22 may order the guardian to permit visitation between the ward
23 and the adult child, spouse, adult grandchild, parent, or
24 adult sibling. In making its determination, the court shall
25 consider the standards set forth in subsection (e) of this
26 Section. The court shall not allow visitation if the court

1 finds that the ward has capacity to evaluate and communicate
2 decisions regarding visitation and expresses a desire not to
3 have visitation with the petitioner. This subsection (g) does
4 not apply to duly appointed public guardians or the Division
5 ~~Office~~ of State Guardian.

6 (Source: P.A. 101-329, eff. 8-9-19; 102-72, eff. 1-1-22;
7 102-258, eff. 8-6-21; 102-813, eff. 5-13-22.)

8 (755 ILCS 5/12-4) (from Ch. 110 1/2, par. 12-4)

9 Sec. 12-4. When security excused or specified.†

10 (a) Except as provided in paragraph (c) of Section 6-13
11 with respect to a nonresident executor, no security is
12 required of a person who is excused by the will from giving
13 bond or security and no greater security than is specified by
14 the will is required, unless in either case the court, from its
15 own knowledge or the suggestion of any interested person, has
16 cause to suspect the representative of fraud or incompetence
17 or believes that the estate of the decedent will not be
18 sufficient to discharge all the claims against the estate, or
19 in the case of a testamentary guardian of the estate, that the
20 rights of the ward will be prejudiced by failure to give
21 security.

22 (b) If a person designates a guardian of his person or
23 estate or both to be appointed in the event he is adjudged a
24 person with a disability as provided in Section 11a-6 and
25 excuses the guardian from giving bond or security, or if the

1 guardian is the Division ~~Office~~ of State Guardian, the
2 guardian's bond in the amount from time to time required under
3 this Article shall be in full force and effect without
4 writing, unless the court requires the filing of a written
5 bond.

6 (c) The Division ~~Office~~ of State Guardian shall not be
7 required to have sureties or surety companies as security on
8 its bonds. The oath and bond of the representative without
9 surety shall be sufficient.

10 (Source: P.A. 99-143, eff. 7-27-15.)

11 (755 ILCS 5/13-1) (from Ch. 110 1/2, par. 13-1)

12 Sec. 13-1. Appointment and term of public administrator
13 and public guardian.

14 (a) Except as provided in Section 13-1.1, before the first
15 Monday of December, 1977 and every 4 years thereafter, and as
16 often as vacancies occur, the Governor, by and with the advice
17 and consent of the Senate, shall appoint in each county a
18 suitable person to serve as public administrator and a
19 suitable person to serve as public guardian of the county. The
20 Governor may designate, without the advice and consent of the
21 Senate, the Division ~~Office~~ of State Guardian as an interim
22 public guardian to fill a vacancy in one or more counties
23 having a population of 500,000 or less if the designation:

24 (1) is specifically designated as an interim
25 appointment for a term of the lesser of one year or until

1 the Governor appoints, with the advice and consent of the
2 Senate, a county public guardian to fill the vacancy;

3 (2) requires the Division ~~Office~~ of State Guardian to
4 affirm its availability to act in the county; and

5 (3) expires in a pending case of a person with a
6 disability in the county at such a time as the court
7 appoints a qualified successor guardian of the estate and
8 person for the person with a disability.

9 When appointed as an interim public guardian, the Division
10 of State Guardian will perform the powers and duties assigned
11 to it under the Guardianship and Advocacy Act.

12 The Governor may appoint the same person to serve as
13 public guardian and public administrator in one or more
14 counties. In considering the number of counties of service for
15 any prospective public guardian or public administrator the
16 Governor may consider the population of the county and the
17 ability of the prospective public guardian or public
18 administrator to travel to multiple counties and manage
19 estates in multiple counties. Each person so appointed holds
20 his office for 4 years from the first Monday of December, 1977
21 and every 4 years thereafter or until his successor is
22 appointed and qualified.

23 (b) Within 14 days of notification to the current public
24 guardian of the appointment by the Governor of a new public
25 guardian pursuant to this Section, the outgoing public
26 guardian shall provide the incoming successor public guardian

1 with a list of current guardianships. Within 60 days of
2 receipt of the list of guardianships, the incoming public
3 guardian may petition the court for a transfer of a
4 guardianship to the incoming public guardian. The transfer of
5 a guardianship of the person, estate, or both shall be made if
6 it is in the best interests of the ward as determined by the
7 court on a case-by-case basis.

8 Factors for the court to consider include, but are not
9 limited to, the following:

10 (1) the ward's preference as to the transfer of the
11 guardianship;

12 (2) the recommendation of the guardian ad litem, the
13 ward's family members, and other interested parties;

14 (3) the length of time in which the outgoing public
15 guardian has served as guardian for the ward;

16 (4) the ward's relationship with the outgoing public
17 guardian's office;

18 (5) the nature and extent of the ward's disabilities;

19 (6) the ward's current residential placement, his or
20 her current support network, and ongoing needs;

21 (7) the costs involved in the transfer of the ward's
22 estate;

23 (8) the status of pending legal matters or other
24 matters germane to the ward's care or the management of
25 the ward's estate;

26 (9) the obligation to post bond and the cost thereof;

1 (10) the guardians' status with regard to
2 certification by the Center for Guardianship
3 Certification; and

4 (11) other good causes.

5 If the court approves a transfer to the incoming public
6 guardian, the outgoing public guardian shall file a final
7 account of his or her activities on behalf of the ward within
8 30 days or within such other time that the court may allow. The
9 outgoing public guardian may file a petition for final fees
10 pursuant to subsection (b) of Section 13-3.1.

11 (Source: P.A. 102-72, eff. 1-1-22.)

12 (755 ILCS 5/13-1.2)

13 Sec. 13-1.2. Certification requirement. Each person
14 appointed as a public guardian by the Governor shall be
15 certified as a National Certified Guardian by the Center for
16 Guardianship Certification within 6 months after his or her
17 appointment. The Department of Disability Advocacy and
18 Guardianship ~~and Advocacy Commission~~ shall provide public
19 guardians with information about certification requirements
20 and procedures for testing and certification offered by the
21 Center for Guardianship Certification. The cost of
22 certification shall be considered an expense connected with
23 the operation of the public guardian's office within the
24 meaning of subsection (b) of Section 13-3.1 of this Article.

25 A public guardian shall additionally complete a one-hour

1 course regarding Alzheimer's disease and dementia within 6
2 months of appointment and annually thereafter. The training
3 program shall include, but not be limited to, the following
4 topics: effective communication strategies; best practices for
5 interacting with people with Alzheimer's disease and related
6 forms of dementia; and strategies for supporting people living
7 with Alzheimer's disease or related forms of dementia in
8 exercising their rights.

9 (Source: P.A. 103-64, eff. 1-1-24.)

10 Section 10-130. The Supported Decision-Making Agreement
11 Act is amended by changing Section 30 as follows:

12 (755 ILCS 9/30)

13 Sec. 30. Supporter duties.

14 (a) Except as otherwise provided by a supported
15 decision-making agreement, a supporter may:

16 (1) Assist the principal in understanding information,
17 options, responsibilities, and consequences of the life
18 decisions of the principal, including those decisions
19 related to the affairs or support services of the
20 principal.

21 (2) Help the principal access, obtain, and understand
22 any information that is relevant to any given life
23 decision, including a medical, psychological, financial,
24 or educational decision, or any treatment records or

1 records necessary to manage the affairs or support
2 services of the principal.

3 (3) Assist the principal in finding, obtaining, making
4 appointments for, and implementing the support services or
5 plans for support services of the principal.

6 (4) Help the principal monitor information about the
7 affairs or support services of the principal, including
8 keeping track of future necessary or recommended services.

9 (5) Ascertain the wishes and decisions of the
10 principal in order to advocate that the wishes and
11 decisions of an individual with disabilities are
12 implemented.

13 (b) A supporter shall act with the care, competence, and
14 diligence ordinarily exercised by an individual in a similar
15 circumstance, with due regard to the possession of, or lack
16 of, special skills or expertise.

17 (c) A supporter shall seek training and education
18 regarding the responsibilities and limitations of the
19 supporter role. The Department of Disability Advocacy and
20 Guardianship and Advocacy Commission shall provide public
21 information about this Act and the supporter role,
22 responsibilities, and limitations.

23 The Department of Disability Advocacy and Guardianship and
24 Advocacy Commission shall develop training and education
25 materials for both principals and supporters, including, but
26 not limited to, sample agreements that will be posted on the

1 website of the Department ~~Commission~~ along with public
2 awareness materials.

3 (Source: P.A. 102-614, eff. 2-27-22.)

4 Section 10-135. The Illinois Power of Attorney Act is
5 amended by changing Section 2-7 as follows:

6 (755 ILCS 45/2-7) (from Ch. 110 1/2, par. 802-7)

7 Sec. 2-7. Duty - standard of care - record-keeping -
8 exoneration.

9 (a) The agent shall be under no duty to exercise the powers
10 granted by the agency or to assume control of or
11 responsibility for any of the principal's property, care or
12 affairs, regardless of the principal's physical or mental
13 condition. Whenever a power is exercised, the agent shall act
14 in good faith for the benefit of the principal using due care,
15 competence, and diligence in accordance with the terms of the
16 agency and shall be liable for negligent exercise. An agent
17 who acts with due care for the benefit of the principal shall
18 not be liable or limited merely because the agent also
19 benefits from the act, has individual or conflicting interests
20 in relation to the property, care or affairs of the principal
21 or acts in a different manner with respect to the agency and
22 the agent's individual interests. The agent shall not be
23 affected by any amendment or termination of the agency until
24 the agent has actual knowledge thereof. The agent shall not be

1 liable for any loss due to error of judgment nor for the act or
2 default of any other person.

3 (b) An agent that has accepted appointment must act in
4 accordance with the principal's expectations to the extent
5 actually known to the agent and otherwise in the principal's
6 best interests.

7 (c) An agent shall keep a record of all receipts,
8 disbursements, and significant actions taken under the
9 authority of the agency and shall provide a copy of this record
10 when requested to do so by:

11 (1) the principal, a guardian, another fiduciary
12 acting on behalf of the principal, and, after the death of
13 the principal, the personal representative or successors
14 in interest of the principal's estate;

15 (2) a representative of a provider agency, as defined
16 in Section 2 of the Adult Protective Services Act, acting
17 in the course of an assessment of a complaint of elder
18 abuse or neglect under that Act;

19 (3) a representative of the Office of the State Long
20 Term Care Ombudsman, acting in the course of an
21 investigation of a complaint of financial exploitation of
22 a nursing home resident under Section 4.04 of the Illinois
23 Act on the Aging;

24 (4) a representative of the Office of Inspector
25 General for the Department of Human Services, acting in
26 the course of an assessment of a complaint of financial

1 exploitation of an adult with disabilities pursuant to
2 Section 35 of the Abuse of Adults with Disabilities
3 Intervention Act;

4 (5) a court under Section 2-10 of this Act; or

5 (6) a representative of the Division ~~Office~~ of State
6 Guardian or public guardian for the county in which the
7 principal resides acting in the course of investigating
8 whether to file a petition for guardianship of the
9 principal under Section 11a-4 or 11a-8 of the Probate Act
10 of 1975.

11 (d) If the agent fails to provide his or her record of all
12 receipts, disbursements, and significant actions within 21
13 days after a request under subsection (c), the adult abuse
14 provider agency, the Division of State Guardian, the public
15 guardian, or a representative of the Office of the State Long
16 Term Care Ombudsman may petition the court for an order
17 requiring the agent to produce his or her record of receipts,
18 disbursements, and significant actions. If the court finds
19 that the agent's failure to provide his or her record in a
20 timely manner to the adult abuse provider agency, the Division
21 of State Guardian, the public guardian, or a representative of
22 the Office of the State Long Term Care Ombudsman was without
23 good cause, the court may assess reasonable costs and
24 attorney's fees against the agent, and order such other relief
25 as is appropriate.

26 (e) An agent is not required to disclose receipts,

1 disbursements, or other significant actions conducted on
2 behalf of the principal except as otherwise provided in the
3 power of attorney or as required under subsection (c).

4 (f) An agent that violates this Act is liable to the
5 principal or the principal's successors in interest for the
6 amount required (i) to restore the value of the principal's
7 property to what it would have been had the violation not
8 occurred, and (ii) to reimburse the principal or the
9 principal's successors in interest for the attorney's fees and
10 costs paid on the agent's behalf. This subsection does not
11 limit any other applicable legal or equitable remedies.

12 (Source: P.A. 100-952, eff. 1-1-19.)

13 Article 15.

14 Section 15-5. The Illinois Human Rights Act is amended by
15 changing Sections 7-101, 7A-102, 7B-102, 8-101, and 8-105 and
16 by adding Section 9-103 as follows:

17 (775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

18 Sec. 7-101. Powers and duties. In addition to other powers
19 and duties prescribed in this Act, the Department shall have
20 the following powers:

21 (A) Rules and Regulations. To adopt, promulgate, amend,
22 and rescind rules and regulations not inconsistent with the
23 provisions of this Act pursuant to the Illinois Administrative

1 Procedure Act.

2 (B) Charges. To issue, receive, investigate, conciliate,
3 settle, and dismiss charges filed in conformity with this Act.

4 (C) Compulsory Process. To issue ~~request~~ subpoenas as it
5 deems necessary for its investigations.

6 (D) Complaints. To file complaints with the Commission in
7 conformity with this Act and to intervene in complaints
8 pending before the Commission filed under Article 2, 4, 5, 5A,
9 or 6.

10 (E) Judicial Enforcement. To seek temporary relief and to
11 enforce orders of the Commission in conformity with this Act.

12 (F) Equal Employment Opportunities. To take such action as
13 may be authorized to provide for equal employment
14 opportunities and affirmative action.

15 (G) Recruitment; Research; Public Communication; Advisory
16 Councils. To engage in such recruitment, research and public
17 communication and create such advisory councils as may be
18 authorized to effectuate the purposes of this Act.

19 (H) Coordination with other Agencies. To coordinate its
20 activities with federal, state, and local agencies in
21 conformity with this Act.

22 (I) Grants; Private Gifts.

23 (1) To accept public grants and private gifts as may
24 be authorized.

25 (2) To design grant programs and award grants to
26 eligible recipients.

1 (J) Education and Training. To implement a formal and
2 unbiased program of education and training for all employees
3 assigned to investigate and conciliate charges under Articles
4 7A and 7B. The training program shall include the following:

5 (1) substantive and procedural aspects of the
6 investigation and conciliation positions;

7 (2) current issues in human rights law and practice;

8 (3) lectures by specialists in substantive areas
9 related to human rights matters;

10 (4) orientation to each operational unit of the
11 Department and Commission;

12 (5) observation of experienced Department
13 investigators and attorneys conducting conciliation
14 conferences, combined with the opportunity to discuss
15 evidence presented and rulings made;

16 (6) the use of hypothetical cases requiring the
17 Department investigator and conciliation conference
18 attorney to issue judgments as a means of ~~to~~ evaluating
19 knowledge and writing ability;

20 (7) writing skills;

21 (8) computer skills, including but not limited to word
22 processing and document management.

23 A formal, unbiased and ongoing professional development
24 program including, but not limited to, the above-noted areas
25 shall be implemented to keep Department investigators and
26 attorneys informed of recent developments and issues and to

1 assist them in maintaining and enhancing their professional
2 competence.

3 (K) Hotlines. To establish and maintain hotlines and
4 helplines to aid in effectuating the purposes of this Act
5 including the confidential reporting of discrimination,
6 harassment, and bias incidents. All communications received or
7 sent via the hotlines and helplines are exempt from disclosure
8 under the Freedom of Information Act.

9 (Source: P.A. 102-1115, eff. 1-9-23; 103-335, eff. 1-1-24;
10 103-859, eff. 1-1-25.)

11 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)
12 Sec. 7A-102. Procedures.

13 (A) Charge.

14 (1) Within 2 years after the date that a civil rights
15 violation allegedly has been committed, a charge in
16 writing under oath or affirmation may be filed with the
17 Department by an aggrieved party or issued by the
18 Department itself under the signature of the Director.

19 (2) The charge shall be in such detail as to
20 substantially apprise any party properly concerned as to
21 the time, place, and facts surrounding the alleged civil
22 rights violation.

23 (3) Charges deemed filed with the Department pursuant
24 to subsection (A-1) of this Section shall be deemed to be
25 in compliance with this subsection.

1 (A-1) Equal Employment Opportunity Commission Charges.

2 (1) If a charge is filed with the Equal Employment
3 Opportunity Commission (EEOC) within 300 calendar days
4 after the date of the alleged civil rights violation, the
5 charge shall be deemed filed with the Department on the
6 date filed with the EEOC. If the EEOC is the governmental
7 agency designated to investigate the charge first, the
8 Department shall take no action until the EEOC makes a
9 determination on the charge and after the complainant
10 notifies the Department of the EEOC's determination. In
11 such cases, after receiving notice from the EEOC that a
12 charge was filed, the Department shall notify the parties
13 that (i) a charge has been received by the EEOC and has
14 been sent to the Department for dual filing purposes; (ii)
15 the EEOC is the governmental agency responsible for
16 investigating the charge and that the investigation shall
17 be conducted pursuant to the rules and procedures adopted
18 by the EEOC; (iii) it will take no action on the charge
19 until the EEOC issues its determination; (iv) the
20 complainant must submit a copy of the EEOC's determination
21 within 30 days after service of the determination by the
22 EEOC on the complainant; and (v) that the time period to
23 investigate the charge contained in subsection (G) of this
24 Section is tolled from the date on which the charge is
25 filed with the EEOC until the EEOC issues its
26 determination.

1 (2) If the EEOC finds reasonable cause to believe that
2 there has been a violation of federal law and if the
3 Department is timely notified of the EEOC's findings by
4 the complainant, the Department shall notify the
5 complainant that the Department has adopted the EEOC's
6 determination of reasonable cause and that the complainant
7 has the right, within 90 days after receipt of the
8 Department's notice, to either file the complainant's own
9 complaint with the Illinois Human Rights Commission or
10 commence a civil action in the appropriate circuit court
11 or other appropriate court of competent jurisdiction. This
12 notice shall be provided to the complainant within 10
13 business days after the Department's receipt of the EEOC's
14 determination. The Department's notice to the complainant
15 that the Department has adopted the EEOC's determination
16 of reasonable cause shall constitute the Department's
17 Report for purposes of subparagraph (D) of this Section.

18 (3) For those charges alleging violations within the
19 jurisdiction of both the EEOC and the Department and for
20 which the EEOC either (i) does not issue a determination,
21 but does issue the complainant a notice of a right to sue,
22 including when the right to sue is issued at the request of
23 the complainant, or (ii) determines that it is unable to
24 establish that illegal discrimination has occurred and
25 issues the complainant a right to sue notice, and if the
26 Department is timely notified of the EEOC's determination

1 by the complainant, the Department shall notify the
2 parties, within 10 business days after receipt of the
3 EEOC's determination, that the Department will adopt the
4 EEOC's determination as a dismissal for lack of
5 substantial evidence unless the complainant requests in
6 writing within 35 days after receipt of the Department's
7 notice that the Department review the EEOC's
8 determination.

9 (a) If the complainant does not file a written
10 request with the Department to review the EEOC's
11 determination within 35 days after receipt of the
12 Department's notice, the Department shall notify the
13 complainant, within 10 business days after the
14 expiration of the 35-day period, that the decision of
15 the EEOC has been adopted by the Department as a
16 dismissal for lack of substantial evidence and that
17 the complainant has the right, within 90 days after
18 receipt of the Department's notice, to commence a
19 civil action in the appropriate circuit court or other
20 appropriate court of competent jurisdiction. The
21 Department's notice to the complainant that the
22 Department has adopted the EEOC's determination shall
23 constitute the Department's report for purposes of
24 subparagraph (D) of this Section.

25 (b) If the complainant does file a written request
26 with the Department to review the EEOC's

1 determination, the Department shall review the EEOC's
2 determination and any evidence obtained by the EEOC
3 during its investigation. If, after reviewing the
4 EEOC's determination and any evidence obtained by the
5 EEOC, the Department determines there is no need for
6 further investigation of the charge, the Department
7 shall issue a report and the Director shall determine
8 whether there is substantial evidence that the alleged
9 civil rights violation has been committed pursuant to
10 subsection (D) of this Section. If, after reviewing
11 the EEOC's determination and any evidence obtained by
12 the EEOC, the Department determines there is a need
13 for further investigation of the charge, the
14 Department may conduct any further investigation it
15 deems necessary. After reviewing the EEOC's
16 determination, the evidence obtained by the EEOC, and
17 any additional investigation conducted by the
18 Department, the Department shall issue a report and
19 the Director shall determine whether there is
20 substantial evidence that the alleged civil rights
21 violation has been committed pursuant to subsection
22 (D) of this Section.

23 (4) Pursuant to this Section, if the EEOC dismisses
24 the charge or a portion of the charge of discrimination
25 because, under federal law, the EEOC lacks jurisdiction
26 over the charge, and if, under this Act, the Department

1 has jurisdiction over the charge of discrimination, the
2 Department shall investigate the charge or portion of the
3 charge dismissed by the EEOC for lack of jurisdiction
4 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
5 (E), (F), (G), (H), (I), (J), and (K) of this Section.

6 (5) The time limit set out in subsection (G) of this
7 Section is tolled from the date on which the charge is
8 filed with the EEOC to the date on which the EEOC issues
9 its determination.

10 (6) The failure of the Department to meet the
11 10-business-day notification deadlines set out in
12 paragraph (2) of this subsection shall not impair the
13 rights of any party.

14 (B) Notice and Response to Charge. The Department shall,
15 within 10 days of the date on which the charge was filed, serve
16 a copy of the charge on the respondent and provide all parties
17 with a notice of the complainant's right to opt out of the
18 investigation within 60 days as set forth in subsection (C-1).
19 This period shall not be construed to be jurisdictional. The
20 charging party and the respondent may each file a position
21 statement and other materials with the Department regarding
22 the charge of alleged discrimination within 60 days of receipt
23 of the notice of the charge. The position statements and other
24 materials filed shall remain confidential unless otherwise
25 agreed to by the party providing the information and shall not
26 be served on or made available to the other party during the

1 pendency of a charge with the Department. The Department may
2 require the respondent to file a response to the allegations
3 contained in the charge. Upon the Department's request, the
4 respondent shall file a response to the charge within 60 days
5 and shall serve a copy of its response on the complainant or
6 the complainant's representative. Notwithstanding any request
7 from the Department, the respondent may elect to file a
8 response to the charge within 60 days of receipt of notice of
9 the charge, provided the respondent serves a copy of its
10 response on the complainant or the complainant's
11 representative. All allegations contained in the charge not
12 denied by the respondent within 60 days of the Department's
13 request for a response may be deemed admitted, unless the
14 respondent states that it is without sufficient information to
15 form a belief with respect to such allegation. The Department
16 may issue a notice of default directed to any respondent who
17 fails to file a response to a charge within 60 days of receipt
18 of the Department's request, unless the respondent can
19 demonstrate good cause as to why such notice should not issue.
20 The term "good cause" shall be defined by rule promulgated by
21 the Department. Within 30 days of receipt of the respondent's
22 response, the complainant may file a reply to said response
23 and shall serve a copy of said reply on the respondent or the
24 respondent's representative. A party shall have the right to
25 supplement the party's response or reply at any time that the
26 investigation of the charge is pending. The Department shall,

1 within 10 days of the date on which the charge was filed, and
2 again no later than 335 days thereafter, send by certified or
3 registered mail, or electronic mail if elected by the party,
4 written notice to the complainant and to the respondent
5 informing the complainant of the complainant's rights to
6 either file a complaint with the Human Rights Commission or
7 commence a civil action in the appropriate circuit court under
8 subparagraph (2) of paragraph (G), including in such notice
9 the dates within which the complainant may exercise these
10 rights. In the notice the Department shall notify the
11 complainant that the charge of civil rights violation will be
12 dismissed with prejudice and with no right to further proceed
13 if a written complaint is not timely filed with the Commission
14 or with the appropriate circuit court by the complainant
15 pursuant to subparagraph (2) of paragraph (G) or by the
16 Department pursuant to subparagraph (1) of paragraph (G).

17 (B-1) Mediation. The complainant and respondent may agree
18 to voluntarily submit the charge to mediation without waiving
19 any rights that are otherwise available to either party
20 pursuant to this Act and without incurring any obligation to
21 accept the result of the mediation process. Nothing occurring
22 in mediation shall be disclosed by the Department or
23 admissible in evidence in any subsequent proceeding unless the
24 complainant and the respondent agree in writing that such
25 disclosure be made.

26 (C) Investigation.

1 (1) The Department shall conduct an investigation
2 sufficient to determine whether the allegations set forth
3 in the charge are supported by substantial evidence unless
4 the complainant elects to opt out of an investigation
5 pursuant to subsection (C-1).

6 (2) The Director or the Director's designated
7 representatives shall have authority to ~~request any member~~
8 ~~of the Commission to~~ issue subpoenas to compel the
9 attendance of a witness or the production for examination
10 of any books, records or documents whatsoever as it deems
11 necessary for the Department's investigations.

12 (3) If any witness whose testimony is required for any
13 investigation resides outside the State, or through
14 illness or any other good cause as determined by the
15 Director is unable to be interviewed by the investigator
16 or appear at a fact-finding ~~fact-finding~~ conference, the
17 witness' testimony or deposition may be taken, within or
18 without the State, in the same manner as is provided for in
19 the taking of depositions in civil cases in circuit
20 courts.

21 (4) Upon reasonable notice to the complainant and the
22 respondent, the Department in its discretion may conduct a
23 fact finding conference. If the complainant and respondent
24 both submit a written request for a fact finding
25 conference prior to 90 days after the date on which the
26 charge was filed, the Department shall conduct a fact

1 finding conference unless prior to the Department's
2 receipt of both requests, the Department has issued its
3 report. Any request for a fact finding conference must
4 include the party's written agreement to grant an
5 extension of 120 days to the time period if requested by
6 the Department to issue its report. If the Department
7 conducts a fact finding conference, a complainant or
8 respondent's failure to attend the conference without good
9 cause shall result in dismissal or default. The term "good
10 cause" shall be defined by rule promulgated by the
11 Department. A notice of dismissal or default shall be
12 issued by the Director. The notice of default issued by
13 the Director shall notify the respondent that a request
14 for review may be filed in writing with the Commission
15 within 30 days of receipt of notice of default. The notice
16 of dismissal issued by the Director shall give the
17 complainant notice of the complainant's right to seek
18 review of the dismissal before the Human Rights Commission
19 or commence a civil action in the appropriate circuit
20 court. If the complainant chooses to have the Human Rights
21 Commission review the dismissal order, the complainant
22 shall file a request for review with the Commission within
23 90 days after receipt of the Director's notice. If the
24 complainant chooses to file a request for review with the
25 Commission, the complainant may not later commence a civil
26 action in a circuit court. If the complainant chooses to

1 commence a civil action in a circuit court, the
2 complainant must do so within 90 days after receipt of the
3 Director's notice.

4 (C-1) Opt out of Department's investigation. At any time
5 within 60 days after receipt of notice of the right to opt out,
6 a complainant may submit a written request seeking notice from
7 the Director indicating that the complainant has opted out of
8 the investigation and may commence a civil action in the
9 appropriate circuit court or other appropriate court of
10 competent jurisdiction. Within 10 business days of receipt of
11 the complainant's request to opt out of the investigation, the
12 Director shall issue a notice to the parties stating that: (i)
13 the complainant has exercised the right to opt out of the
14 investigation; (ii) the complainant has 90 days after receipt
15 of the Director's notice to commence an action in the
16 appropriate circuit court or other appropriate court of
17 competent jurisdiction; and (iii) the Department has ceased
18 its investigation and is administratively closing the charge.
19 The complainant shall notify the Department that a complaint
20 has been filed with the appropriate circuit court by serving a
21 copy of the complaint on the chief legal counsel of the
22 Department within 21 days from the date that the complaint is
23 filed with the appropriate circuit court. This 21-day period
24 for service on the chief legal counsel shall not be construed
25 to be jurisdictional. Once a complainant has opted out of the
26 investigation under this subsection, the complainant may not

1 file or refile a substantially similar charge with the
2 Department arising from the same incident of unlawful
3 discrimination or harassment.

4 (D) Report.

5 (1) Each charge investigated under subsection (C)
6 shall be the subject of a report to the Director. The
7 report shall be a confidential document subject to review
8 by the Director, authorized Department employees, the
9 parties, and, where indicated by this Act, members of the
10 Commission or their designated hearing officers.

11 (2) Upon review of the report, the Director shall
12 determine whether there is substantial evidence that the
13 alleged civil rights violation has been committed. The
14 determination of substantial evidence is limited to
15 determining the need for further consideration of the
16 charge pursuant to this Act and includes, but is not
17 limited to, findings of fact and conclusions, as well as
18 the reasons for the determinations on all material issues.
19 Substantial evidence is evidence which a reasonable mind
20 accepts as sufficient to support a particular conclusion
21 and which consists of more than a mere scintilla but may be
22 somewhat less than a preponderance.

23 (3) If the Director determines that there is no
24 substantial evidence, the charge shall be dismissed by the
25 Director and the Director shall give the complainant
26 notice of the complainant's right to seek review of the

1 notice of dismissal before the Commission or commence a
2 civil action in the appropriate circuit court. If the
3 complainant chooses to have the Human Rights Commission
4 review the notice of dismissal, the complainant shall file
5 a request for review with the Commission within 90 days
6 after receipt of the Director's notice. If the complainant
7 chooses to file a request for review with the Commission,
8 the complainant may not later commence a civil action in a
9 circuit court. If the complainant chooses to commence a
10 civil action in a circuit court, the complainant must do
11 so within 90 days after receipt of the Director's notice.
12 The complainant shall notify the Department that a
13 complaint has been filed by serving a copy of the
14 complaint on the chief legal counsel of the Department
15 within 21 days from the date that the complaint is filed in
16 circuit court. This 21-day period for service on the chief
17 legal counsel shall not be construed to be jurisdictional.

18 (4) If the Director determines that there is
19 substantial evidence, the Director shall notify the
20 complainant and respondent of that determination. The
21 Director shall also notify the parties that the
22 complainant has the right to either commence a civil
23 action in the appropriate circuit court or request that
24 the Department of Human Rights file a complaint with the
25 Human Rights Commission on the complainant's behalf. Any
26 such complaint shall be filed within 90 days after receipt

1 of the Director's notice. If the complainant chooses to
2 have the Department file a complaint with the Human Rights
3 Commission on the complainant's behalf, the complainant
4 must, within 30 days after receipt of the Director's
5 notice, request in writing that the Department file the
6 complaint. If the complainant timely requests that the
7 Department file the complaint, the Department shall file
8 the complaint on the complainant's behalf. If the
9 complainant fails to timely request that the Department
10 file the complaint, the complainant may file the
11 complainant's complaint with the Commission or commence a
12 civil action in the appropriate circuit court. If the
13 complainant files a complaint with the Human Rights
14 Commission, the complainant shall notify the Department
15 that a complaint has been filed by serving a copy of the
16 complaint on the chief legal counsel of the Department
17 within 21 days from the date that the complaint is filed
18 with the Human Rights Commission. This 21-day period for
19 service on the chief legal counsel shall not be construed
20 to be jurisdictional.

21 (E) Conciliation.

22 (1) When there is a finding of substantial evidence,
23 the Department may designate a Department employee who is
24 an attorney licensed to practice in Illinois to endeavor
25 to eliminate the effect of the alleged civil rights
26 violation and to prevent its repetition by means of

1 conference and conciliation.

2 (2) When the Department determines that a formal
3 conciliation conference is necessary, the complainant and
4 respondent shall be notified of the time and place of the
5 conference by registered or certified mail at least 10
6 days prior thereto and either or both parties shall appear
7 at the conference in person or by attorney.

8 (3) The place fixed for the conference shall be within
9 35 miles of the place where the civil rights violation is
10 alleged to have been committed.

11 (4) Nothing occurring at the conference shall be
12 disclosed by the Department unless the complainant and
13 respondent agree in writing that such disclosure be made.

14 (5) The Department's efforts to conciliate the matter
15 shall not stay or extend the time for filing the complaint
16 with the Commission or the circuit court.

17 (F) Complaint.

18 (1) When the complainant requests that the Department
19 file a complaint with the Commission on the complainant's
20 behalf, the Department shall prepare a written complaint,
21 under oath or affirmation, stating the nature of the civil
22 rights violation substantially as alleged in the charge
23 previously filed and the relief sought on behalf of the
24 aggrieved party. The Department shall file the complaint
25 with the Commission.

26 (1.5) If the complainant chooses to file a complaint

1 with the Commission without the Department's assistance,
2 the complainant shall notify the Department that a
3 complaint has been filed by serving a copy of the
4 complaint on the chief legal counsel of the Department
5 within 21 days from the date that the complaint is filed
6 with the Human Rights Commission. This 21-day period for
7 service on the chief legal counsel shall not be construed
8 to be jurisdictional.

9 (2) If the complainant chooses to commence a civil
10 action in a circuit court:

11 (i) The complainant shall file the civil action in
12 the circuit court in the county wherein the civil
13 rights violation was allegedly committed.

14 (ii) The form of the complaint in any such civil
15 action shall be in accordance with the Code of Civil
16 Procedure.

17 (iii) The complainant shall notify the Department
18 that a complaint has been filed by serving a copy of
19 the complaint on the chief legal counsel of the
20 Department within 21 days from the date that the
21 complaint is filed in circuit court. This 21-day
22 period for service on the chief legal counsel shall
23 not be construed to be jurisdictional.

24 (G) Time Limit.

25 (1) When a charge of a civil rights violation has been
26 properly filed, the Department, within 365 days thereof or

1 within any extension of that period agreed to in writing
2 by all parties, shall issue its report as required by
3 subparagraph (D). Any such report shall be duly served
4 upon both the complainant and the respondent.

5 (2) If the Department has not issued its report within
6 365 days after the charge is filed, or any such longer
7 period agreed to in writing by all the parties, the
8 complainant shall have 90 days to either file the
9 complainant's own complaint with the Human Rights
10 Commission or commence a civil action in the appropriate
11 circuit court. If the complainant files a complaint with
12 the Commission, the form of the complaint shall be in
13 accordance with the provisions of paragraph (F)(1). If the
14 complainant commences a civil action in a circuit court,
15 the form of the complaint shall be in accordance with the
16 Code of Civil Procedure. The aggrieved party shall notify
17 the Department that a complaint has been filed by serving
18 a copy of the complaint on the chief legal counsel of the
19 Department within ~~with~~ 21 days from the date that the
20 complaint is filed with the Commission or in circuit
21 court. This 21-day period for service on the chief legal
22 counsel shall not be construed to be jurisdictional. If
23 the complainant files a complaint with the Commission, the
24 complainant may not later commence a civil action in
25 circuit court.

26 (3) If an aggrieved party files a complaint with the

1 Human Rights Commission or commences a civil action in
2 circuit court pursuant to paragraph (2) of this
3 subsection, or if the time period for filing a complaint
4 has expired, the Department shall immediately cease its
5 investigation and dismiss the charge of civil rights
6 violation. Any final order entered by the Commission under
7 this Section is appealable in accordance with paragraph
8 (B)(1) of Section 8-111. Failure to immediately cease an
9 investigation and dismiss the charge of civil rights
10 violation as provided in this paragraph (3) constitutes
11 grounds for entry of an order by the circuit court
12 permanently enjoining the investigation. The Department
13 may also be liable for any costs and other damages
14 incurred by the respondent as a result of the action of the
15 Department.

16 (4) (Blank).

17 (H) Public Act 89-370 applies to causes of action filed on
18 or after January 1, 1996.

19 (I) Public Act 89-520 applies to causes of action filed on
20 or after January 1, 1996.

21 (J) The changes made to this Section by Public Act 95-243
22 apply to charges filed on or after the effective date of those
23 changes.

24 (K) The changes made to this Section by Public Act 96-876
25 apply to charges filed on or after the effective date of those
26 changes.

1 (L) The changes made to this Section by Public Act
2 100-1066 apply to charges filed on or after August 24, 2018
3 (the effective date of Public Act 100-1066).

4 (M) The changes made to this Section by Public Act 104-425
5 ~~this amendatory Act of the 104th General Assembly~~ apply to
6 charges pending or filed on or after January 1, 2026 (the
7 effective date of Public Act 104-425) ~~this amendatory Act of~~
8 ~~the 104th General Assembly~~.

9 (Source: P.A. 103-335, eff. 1-1-24; 103-973, eff. 1-1-25;
10 104-425, eff. 1-1-26; revised 12-12-25.)

11 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)
12 Sec. 7B-102. Procedures.

13 (A) Charge.

14 (1) Within one year after the date that a civil rights
15 violation allegedly has been committed or terminated, a
16 charge in writing under oath or affirmation may be filed
17 with the Department by an aggrieved party or issued by the
18 Department itself under the signature of the Director.

19 (2) The charge shall be in such detail as to
20 substantially apprise any party properly concerned as to
21 the time, place, and facts surrounding the alleged civil
22 rights violation.

23 (B) Notice and Response to Charge.

24 (1) The Department shall serve notice upon the
25 aggrieved party acknowledging such charge and advising the

1 aggrieved party of the time limits and choice of forums
2 provided under this Act. The Department shall, within 10
3 days of the date on which the charge was filed or the
4 identification of an additional respondent under paragraph
5 (2) of this subsection, serve on the respondent a copy of
6 the charge along with a notice identifying the alleged
7 civil rights violation and advising the respondent of the
8 procedural rights and obligations of respondents under
9 this Act and may require the respondent to file a response
10 to the allegations contained in the charge. Upon the
11 Department's request, the respondent shall file a response
12 to the charge within 30 days and shall serve a copy of its
13 response on the complainant or his or her representative.
14 Notwithstanding any request from the Department, the
15 respondent may elect to file a response to the charge
16 within 30 days of receipt of notice of the charge,
17 provided the respondent serves a copy of its response on
18 the complainant or his or her representative. All
19 allegations contained in the charge not denied by the
20 respondent within 30 days after the Department's request
21 for a response may be deemed admitted, unless the
22 respondent states that it is without sufficient
23 information to form a belief with respect to such
24 allegation. The Department may issue a notice of default
25 directed to any respondent who fails to file a response to
26 a charge within 30 days of the Department's request,

1 unless the respondent can demonstrate good cause as to why
2 such notice should not issue. The term "good cause" shall
3 be defined by rule promulgated by the Department. Within
4 10 days of the date he or she receives the respondent's
5 response, the complainant may file his or her reply to
6 said response. If he or she chooses to file a reply, the
7 complainant shall serve a copy of said reply on the
8 respondent or his or her representative. A party may
9 supplement his or her response or reply at any time that
10 the investigation of the charge is pending.

11 (2) A person who is not named as a respondent in a
12 charge, but who is identified as a respondent in the
13 course of investigation, may be joined as an additional or
14 substitute respondent upon written notice, under
15 subsection (B), to such person, from the Department. Such
16 notice, in addition to meeting the requirements of
17 subsections (A) and (B), shall explain the basis for the
18 Department's belief that a person to whom the notice is
19 addressed is properly joined as a respondent.

20 (C) Investigation.

21 (1) The Department shall conduct a full investigation
22 of the allegations set forth in the charge and complete
23 such investigation within 100 days after the filing of the
24 charge, unless it is impracticable to do so. The
25 Department's failure to complete the investigation within
26 100 days after the proper filing of the charge does not

1 deprive the Department of jurisdiction over the charge.

2 (2) If the Department is unable to complete the
3 investigation within 100 days after the charge is filed,
4 the Department shall notify the complainant and respondent
5 in writing of the reasons for not doing so. The failure of
6 the Department to notify the complainant or respondent in
7 writing of the reasons for not doing so shall not deprive
8 the Department of jurisdiction over the charge.

9 (3) The Director or his or her designated
10 representative shall have authority to ~~request any member~~
11 ~~of the Commission to~~ issue subpoenas to compel the
12 attendance of a witness or the production for examination
13 of any books, records or documents whatsoever as it deems
14 necessary for the Department's investigations.

15 (4) If any witness whose testimony is required for any
16 investigation resides outside the State, or through
17 illness or any other good cause as determined by the
18 Director is unable to be interviewed by the investigator
19 or appear at a fact finding conference, his or her
20 testimony or deposition may be taken, within or without
21 the State, in the same manner as provided for in the taking
22 of depositions in civil cases in circuit courts.

23 (5) Upon reasonable notice to the complainant and the
24 respondent, the Department may conduct a fact finding
25 conference. When requested by the Department, a party's
26 failure to attend the conference without good cause may

1 result in dismissal or default. A notice of dismissal or
2 default shall be issued by the Director and shall notify
3 the relevant party that a request for review may be filed
4 in writing with the Commission within 30 days of receipt
5 of notice of dismissal or default.

6 (D) Report.

7 (1) Each charge investigated under subsection (C)
8 shall be the subject of a report to the Director. The
9 report shall be a confidential document subject to review
10 by the Director, authorized Department employees, the
11 parties, and, where indicated by this Act, members of the
12 Commission or their designated hearing officers.

13 The report shall contain:

14 (a) the names and dates of contacts with
15 witnesses;

16 (b) a summary and the date of correspondence and
17 other contacts with the aggrieved party and the
18 respondent;

19 (c) a summary description of other pertinent
20 records;

21 (d) a summary of witness statements; and

22 (e) answers to questionnaires.

23 A final report under this paragraph may be amended if
24 additional evidence is later discovered.

25 (2) Upon review of the report and within 100 days of
26 the filing of the charge, unless it is impracticable to do

1 so, the Director shall determine whether there is
2 substantial evidence that the alleged civil rights
3 violation has been committed or is about to be committed.
4 If the Director is unable to make the determination within
5 100 days after the filing of the charge, the Director
6 shall notify the complainant and respondent in writing of
7 the reasons for not doing so. The Director's failure to
8 make the determination within 100 days after the proper
9 filing of the charge does not deprive the Department of
10 jurisdiction over the charge.

11 (a) If the Director determines that there is no
12 substantial evidence, the charge shall be dismissed
13 and the aggrieved party notified that he or she may
14 seek review of the dismissal order before the
15 Commission. The aggrieved party shall have 90 days
16 from receipt of notice to file a request for review by
17 the Commission. The Director shall make public
18 disclosure of each such dismissal.

19 (b) If the Director determines that there is
20 substantial evidence, he or she shall immediately
21 issue a complaint on behalf of the aggrieved party
22 pursuant to subsection (F).

23 (E) Conciliation.

24 (1) During the period beginning with the filing of a
25 charge and ending with the filing of a complaint or a
26 dismissal by the Department, the Department shall, to the

1 extent feasible, engage in conciliation with respect to
2 such charge.

3 When the Department determines that a formal
4 conciliation conference is feasible, the aggrieved party
5 and respondent shall be notified of the time and place of
6 the conference by registered or certified mail at least 7
7 days prior thereto and either or both parties shall appear
8 at the conference in person or by attorney.

9 (2) The place fixed for the conference shall be within
10 35 miles of the place where the civil rights violation is
11 alleged to have been committed.

12 (3) Nothing occurring at the conference shall be made
13 public or used as evidence in a subsequent proceeding for
14 the purpose of proving a violation under this Act unless
15 the complainant and respondent agree in writing that such
16 disclosure be made.

17 (4) A conciliation agreement arising out of such
18 conciliation shall be an agreement between the respondent
19 and the complainant, and shall be subject to approval by
20 the Department and Commission.

21 (5) A conciliation agreement may provide for binding
22 arbitration of the dispute arising from the charge. Any
23 such arbitration that results from a conciliation
24 agreement may award appropriate relief, including monetary
25 relief.

26 (6) Each conciliation agreement shall be made public

1 unless the complainant and respondent otherwise agree and
2 the Department determines that disclosure is not required
3 to further the purpose of this Act.

4 (F) Complaint.

5 (1) When there is a failure to settle or adjust any
6 charge through a conciliation conference and the charge is
7 not dismissed, the Department shall prepare a written
8 complaint, under oath or affirmation, stating the nature
9 of the civil rights violation and the relief sought on
10 behalf of the aggrieved party. Such complaint shall be
11 based on the final investigation report and need not be
12 limited to the facts or grounds alleged in the charge
13 filed under subsection (A).

14 (2) The complaint shall be filed with the Commission.

15 (3) The Department may not issue a complaint under
16 this Section regarding an alleged civil rights violation
17 after the beginning of the trial of a civil action
18 commenced by the aggrieved party under any State or
19 federal law, seeking relief with respect to that alleged
20 civil rights violation.

21 (G) Time Limit.

22 (1) When a charge of a civil rights violation has been
23 properly filed, the Department, within 100 days thereof,
24 unless it is impracticable to do so, shall either issue
25 and file a complaint in the manner and form set forth in
26 this Section or shall order that no complaint be issued.

1 Any such order shall be duly served upon both the
2 aggrieved party and the respondent. The Department's
3 failure to either issue and file a complaint or order that
4 no complaint be issued within 100 days after the proper
5 filing of the charge does not deprive the Department of
6 jurisdiction over the charge.

7 (2) The Director shall make available to the aggrieved
8 party and the respondent, at any time, upon request
9 following completion of the Department's investigation,
10 information derived from an investigation and any final
11 investigative report relating to that investigation.

12 (H) This amendatory Act of 1995 applies to causes of
13 action filed on or after January 1, 1996.

14 (I) The changes made to this Section by Public Act 95-243
15 apply to charges filed on or after the effective date of those
16 changes.

17 (J) The changes made to this Section by this amendatory
18 Act of the 96th General Assembly apply to charges filed on or
19 after the effective date of those changes.

20 (Source: P.A. 101-530, eff. 1-1-20; 102-362, eff. 1-1-22.)

21 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

22 Sec. 8-101. Illinois Human Rights Commission.

23 (A) Creation; appointments. The Human Rights Commission is
24 created and hereby redesignated as an independent commission
25 under the Department for administrative purposes. The

1 Commission shall ~~to~~ consist of 7 members appointed by the
2 Governor with the advice and consent of the Senate. No more
3 than 4 members shall be of the same political party. The
4 Governor shall designate one member as chairperson. All
5 appointments shall be in writing and filed with the Secretary
6 of State as a public record.

7 Notwithstanding any provision of this Section to the
8 contrary, beginning on January 15, 2029, and thereafter, the
9 Commission shall consist of 5 members appointed by the
10 Governor with the advice and consent of the Senate. No more
11 than 3 members shall be of the same political party.

12 (B) Terms. Of the members first appointed, 4 shall be
13 appointed for a term to expire on the third Monday of January
14 2021, and 3 (including the Chairperson) shall be appointed for
15 a term to expire on the third Monday of January 2023.

16 ~~Notwithstanding any provision of this Section to the~~
17 ~~contrary, the term of office of each member of the Illinois~~
18 ~~Human Rights Commission is abolished on January 19, 2019.~~
19 ~~Incumbent members holding a position on the Commission that~~
20 ~~was created by Public Act 84-115 and whose terms, if not for~~
21 ~~Public Act 100-1066, would have expired January 18, 2021 shall~~
22 ~~continue to exercise all of the powers and be subject to all of~~
23 ~~the duties of members of the Commission until June 30, 2019 or~~
24 ~~until their respective successors are appointed and qualified,~~
25 ~~whichever is earlier.~~

26 Thereafter, each member shall serve for a term of 4 years

1 and until the member's successor is appointed and qualified;
2 except that any member chosen to fill a vacancy occurring
3 otherwise than by expiration of a term shall be appointed only
4 for the unexpired term of the member whom the member shall
5 succeed and until the member's successor is appointed and
6 qualified.

7 Notwithstanding any provision of this Section to the
8 contrary, for the members whose terms expire in January 2027,
9 the terms of their respective successors shall expire
10 concurrently with the members whose terms expire on January
11 15, 2029. Notwithstanding any provision of this Section to the
12 contrary, of the 5 members appointed to terms beginning in
13 January 2029, 3 members shall be appointed to a term to expire
14 on the third Monday of January 2031, and 2 members, including
15 the chairperson, shall be appointed for a term to expire on the
16 third Monday of January 2033. Thereafter, each member shall
17 serve for a term of 4 years and until the member's successor is
18 appointed and qualified; except that any member chosen to fill
19 a vacancy occurring otherwise than by expiration of a term
20 shall be appointed only for the unexpired term of the member
21 whom the member shall succeed and until the member's successor
22 is appointed and qualified.

23 (C) Vacancies.

24 (1) In the case of vacancies on the Commission during
25 a recess of the Senate, the Governor shall make a
26 temporary appointment until the next meeting of the Senate

1 when the Governor shall appoint a person to fill the
2 vacancy. Any person so nominated and confirmed by the
3 Senate shall hold office for the remainder of the term and
4 until the person's successor is appointed and qualified.

5 (2) If the Senate is not in session at the time this
6 Act takes effect, the Governor shall make temporary
7 appointments to the Commission as in the case of
8 vacancies.

9 (3) Vacancies in the Commission shall not impair the
10 right of the remaining members to exercise all the powers
11 of the Commission. Except when authorized by this Act to
12 proceed through a 3 member panel, a majority of the
13 members of the Commission then in office shall constitute
14 a quorum.

15 (D) Compensation. On and after January 19, 2019, the
16 Chairperson of the Commission shall be compensated at the rate
17 of \$125,000 per year, or as set by the Compensation Review
18 Board, whichever is greater, during the Chairperson's service
19 as Chairperson, and each other member shall be compensated at
20 the rate of \$119,000 per year, or as set by the Compensation
21 Review Board, whichever is greater. In addition, all members
22 of the Commission shall be reimbursed for expenses actually
23 and necessarily incurred by them in the performance of their
24 duties.

25 (E) (Blank).

26 (F) A formal training program for newly appointed

1 commissioners shall be implemented. The training program shall
2 include the following:

3 (1) substantive and procedural aspects of the office
4 of commissioner;

5 (2) current issues in employment and housing
6 discrimination and public accommodation law and practice;

7 (3) orientation to each operational unit of the Human
8 Rights Commission;

9 (4) observation of experienced hearing officers and
10 commissioners conducting hearings of cases, combined with
11 the opportunity to discuss evidence presented and rulings
12 made;

13 (5) the use of hypothetical cases requiring the newly
14 appointed commissioner to issue judgments as a means of
15 evaluating knowledge and writing ability;

16 (6) writing skills; and

17 (7) professional and ethical standards.

18 A formal and ongoing professional development program
19 including, but not limited to, the above-noted areas shall be
20 implemented to keep commissioners informed of recent
21 developments and issues and to assist them in maintaining and
22 enhancing their professional competence. Each commissioner
23 shall complete 20 hours of training in the above-noted areas
24 during every 2 years the commissioner remains in office.

25 (G) Commissioners must meet one of the following
26 qualifications:

1 (1) licensed to practice law in the State of Illinois;

2 (2) at least 3 years of experience as a hearing
3 officer at the Human Rights Commission; or

4 (3) at least 4 years of professional experience
5 working for or dealing with individuals or corporations
6 affected by this Act or similar laws in other
7 jurisdictions, including, but not limited to, experience
8 with a civil rights advocacy group, a fair housing group,
9 a community organization, a trade association, a union, a
10 law firm, a legal aid organization, an employer's human
11 resources department, an employment discrimination
12 consulting firm, a community affairs organization, or a
13 municipal human relations agency.

14 The Governor's appointment message, filed with the
15 Secretary of State and transmitted to the Senate, shall state
16 specifically how the experience of a nominee for commissioner
17 meets the requirement set forth in this subsection. The
18 Chairperson must have public or private sector management and
19 budget experience, as determined by the Governor.

20 Each commissioner shall devote full time to the
21 commissioner's duties and any commissioner who is an attorney
22 shall not engage in the practice of law, nor shall any
23 commissioner hold any other office or position of profit under
24 the United States or this State or any municipal corporation
25 or political subdivision of this State, nor engage in any
26 other business, employment, or vocation.

1 (H) (Blank).

2 (I) Each commissioner may engage in outreach, public
3 education, training activities, and other assignments that
4 further the purposes of the Commission and are consistent with
5 the commissioner's official duties, including as recommended
6 by the Chairperson.

7 (Source: P.A. 102-1129, eff. 2-10-23; 103-326, eff. 1-1-24;
8 103-605, eff. 7-1-24; 103-859, eff. 1-1-25.)

9 (775 ILCS 5/8-105) (from Ch. 68, par. 8-105)

10 Sec. 8-105. Settlement.

11 (A) Approval.

12 (1) When a proposed settlement is submitted by the
13 Department, the Commission, through a panel of 3 members,
14 shall determine whether to approve its terms and
15 conditions.

16 (2) A settlement of any complaint and its underlying
17 charge or charges may be effectuated at any time upon
18 agreement of the parties, with or without the Commission's
19 approval, and shall act as a full and final resolution of
20 the matter. If the parties desire that the Commission
21 retain jurisdiction over the matter for purposes of
22 enforcing the terms of the settlement, the terms shall be
23 reduced to writing, signed by the parties, and submitted
24 to the Commission for approval. Any settlement to which
25 the Department is a party shall be subject to approval by

1 the Commission. The Commission, through a panel of 3
2 members, shall determine whether to approve the
3 settlement.

4 (3) The Commission's determination of whether to
5 approve a settlement shall occur within 15 days after the
6 settlement is filed with the Commission. Approval of the
7 settlement shall be accomplished by an order, served on
8 the parties and the Department, in accord with the written
9 terms of the settlement.

10 (B) Violation. When the Department files notice of a
11 settlement order violation, the Commission, through a panel of
12 3 ~~three~~ members, may either order the Department to seek
13 enforcement of the settlement order pursuant to paragraph (C)
14 of Section 8-111 or remand for any type of hearing as it may
15 deem necessary pursuant to paragraph (D) of Section 8A-103.

16 (C) Dismissal for Refusal to Accept Settlement Offer. The
17 Commission shall dismiss a complaint and the underlying charge
18 or charges of the complaint if the Commission is satisfied
19 that:

20 1. the respondent has eliminated the effects of the
21 civil rights violation charged and taken steps to prevent
22 repetition of the violation; or

23 2. the respondent offers and the complainant declines
24 to accept the terms of settlement that the Commission
25 determines are sufficient to eliminate the effect of the
26 civil rights violation charged and to prevent repetition

1 of the violation.

2 In determining whether the respondent has eliminated the
3 effects of the civil rights violation charged, or has offered
4 terms of settlement sufficient to eliminate same, the
5 Commission shall consider the extent to which the respondent
6 has either fully provided, or reasonably offered by way of
7 terms of settlement, as the case may be, the relevant relief
8 available to the complainant under Section 8A-104 of this Act.

9 At any time after the service of a complaint pursuant to
10 Section 8A-102 of this Act, and prior to service of a decision
11 prepared pursuant to Section 8A-102(I), a respondent may move
12 for a recommended order dismissing a complaint and the
13 underlying charge or charges for complainant's refusal to
14 accept terms of settlement that are sufficient to eliminate
15 the effects of the civil rights violation charged in the
16 complaint and to eliminate repetition of the violation.
17 Respondent's motion and complainant's reply, if any, shall
18 comply with the requirements for summary decision set forth in
19 Section 8-106.1 of this Act.

20 (D) This amendatory Act of 1996 applies to causes of
21 action filed on or after January 1, 1996.

22 (Source: P.A. 101-661, eff. 4-2-21.)

23 (775 ILCS 5/9-103 new)

24 Sec. 9-103. Transfer of the Commission.

25 (a) The Commission retains all the rights, powers, duties,

1 and responsibilities vested in the Commission by law,
2 including the power to select hearing officers, except that
3 all finance, accounting, human resources, labor relations,
4 communications, purchasing, procurement, administrative
5 functions or other resources necessary to the operation of the
6 Commission shall be vested in and shall be exercised by the
7 Department in support of the Commission. The Commission and
8 the Department shall retain independent capacity to sue and be
9 sued.

10 (b) The personnel of the Commission responsible for the
11 administrative functions listed in subsection (a) are
12 transferred to the Department. The status and rights of
13 personnel of the Commission under the Personnel Code are not
14 affected by the transfer. The rights of the employees and the
15 State of Illinois and its agencies under the Personnel Code,
16 the Illinois Public Labor Relations Act, and applicable
17 collective bargaining agreements or under any pension,
18 retirement, or annuity plan are not affected by this
19 amendatory Act of the 104th General Assembly. The Commission
20 shall at all times operate with dedicated personnel and
21 employees qualified to execute the day-to-day powers, duties,
22 and responsibilities vested in the Commission by law.

23 (c) All books, records, papers, documents, property (real
24 and personal), contracts, causes of action, and pending
25 business pertaining to the rights, powers, duties, and
26 responsibilities transferred by this amendatory Act of the

1 104th General Assembly from the Commission to the Department,
2 including, but not limited to, material in electronic or
3 magnetic format and necessary computer hardware and software,
4 are transferred to the Department.

5 (d) Any rules that relate to the rights, powers, duties,
6 and responsibilities of the Commission and are in force on the
7 effective date of the changes made to this Section by this
8 Section shall continue in effect until amended or repealed.
9 This amendatory Act of the 104th General Assembly does not
10 affect the legality of any such rules.

11 (e) This amendatory Act of the 104th General Assembly does
12 not affect any act done, ratified, or canceled, any right
13 occurring or established, or any action or proceeding had or
14 commenced in an administrative, civil, or criminal cause by
15 the Commission before the effective date of this Section.
16 Those actions or proceedings shall be continued, in accordance
17 with this amendatory Act of the 104th General Assembly, by the
18 Commission.

19 (f) The appropriation for the Commission shall be separate
20 from the overall appropriation for the Department. To the
21 extent functions or personnel of the Commission are
22 transferred to the Department under this amendatory Act of the
23 104th General Assembly, all unexpended appropriations and
24 balances and other funds available for use relating to those
25 functions or personnel shall be transferred for use by the
26 Department. Unexpended balances so transferred shall be

1 expended only for the purpose for which the appropriations
2 were originally made.

3 (775 ILCS 5/8-112 rep.)

4 Section 15-10. The Illinois Human Rights Act is amended by
5 repealing Section 8-112.

6 Article 20.

7 Section 20-5. The Illinois Human Rights Act is amended by
8 changing Section 2-106 as follows:

9 (775 ILCS 5/2-106)

10 Sec. 2-106. Accessibility Committee for Employees with
11 Disabilities, formerly the Interagency Committee on Employees
12 with Disabilities.

13 (A) As used in this Section:

14 "State agency" means all officers, boards, commissions,
15 and agencies created by the Constitution in the executive
16 branch; all officers, departments, boards, commissions,
17 agencies, institutions, authorities, universities, bodies
18 politic and corporate of the State; and administrative units
19 or corporate outgrowths of the State government which are
20 created by or pursuant to statute, other than units of local
21 government and their officers, school districts, and boards of
22 election commissioners; all administrative units and corporate

1 outgrowths of the above and as may be created by executive
2 order of the Governor.

3 "State employee" means an employee of a State agency.

4 (B) The Accessibility Committee for Employees with
5 Disabilities, formerly named the Interagency Committee on
6 Employees with Disabilities, created under repealed Section
7 19a of the Personnel Code, is continued as set forth in this
8 Section. The Committee is composed of 18 members as follows:
9 the Chairperson of the Civil Service Commission or his or her
10 designee, the Director of Veterans' Affairs or his or her
11 designee, the Director of Central Management Services or his
12 or her designee, the Secretary of Human Services or his or her
13 designee, the Director of Human Rights or his or her designee,
14 the Director of the Illinois Council on Developmental
15 Disabilities or his or her designee, the Lieutenant Governor
16 or his or her designee, the Attorney General or his or her
17 designee, the Secretary of State or his or her designee, the
18 State Comptroller or his or her designee, the State Treasurer
19 or his or her designee, and 7 State employees with
20 disabilities appointed by and serving at the pleasure of the
21 Governor.

22 (C) The Director of Human Rights and the Secretary of
23 Human Services shall serve as co-chairpersons of the
24 Committee. The Committee shall meet as often as it deems
25 necessary, but in no case less than 6 times annually at the
26 call of the co-chairpersons. Notice shall be given to the

1 members in writing in advance of a scheduled meeting.

2 (D) The Department of Human Rights shall provide
3 administrative support to the Committee.

4 (E) The purposes and functions of the Committee are: (1)
5 to provide a forum where problems of general concern to State
6 employees with disabilities can be raised and methods of their
7 resolution can be suggested to the appropriate State agencies;
8 (2) to provide a clearinghouse of information for State
9 employees with disabilities by working with those agencies to
10 develop and retain such information; (3) to promote
11 affirmative action efforts pertaining to the employment of
12 persons with disabilities by State agencies; and (4) to
13 recommend, where appropriate, means of strengthening the
14 affirmative action programs for employees with disabilities in
15 State agencies.

16 (F) The Committee shall annually make a complete report to
17 the General Assembly on the Committee's achievements and
18 accomplishments. Such report may also include an evaluation by
19 the Committee of the effectiveness of the hiring and
20 advancement practices in State government.

21 (G) This amendatory Act of the 99th General Assembly is
22 not intended to disqualify any current member of the Committee
23 from continued membership on the Committee in accordance with
24 the terms of this Section or the member's appointment.

25 (H) This amendatory Act of the 104th General Assembly is
26 not intended to change the operation, purpose, or function of

1 the Committee and is not intended to disqualify any current
2 member of the Committee from continued membership on the
3 Committee in accordance with the terms of this Section or the
4 member's appointment.

5 (Source: P.A. 99-314, eff. 8-7-15.)

6 Article 25.

7 Section 25-5. The Illinois Independent Tax Tribunal Act of
8 2012 is amended by changing Section 1-25 as follows:

9 (35 ILCS 1010/1-25)

10 Sec. 1-25. Judges; number; term of office; removal.

11 (a) The Governor shall, with the advice and consent of the
12 Senate, appoint a Chief Administrative Law Judge to be the
13 executive of the Tax Tribunal. The Chief Administrative Law
14 Judge shall serve a 5-year term. The Governor may appoint
15 additional administrative law judges, with the advice and
16 consent of the Senate, as necessary to carry out the
17 provisions of this Act, provided that no more than 4
18 administrative law judges, including the Chief Administrative
19 Law Judge, shall serve at the same time. The administrative
20 law judges, other than the Chief Administrative Law Judge,
21 shall initially be appointed to staggered terms of no greater
22 than 4 years. After the initial terms of office, all
23 administrative law judges, other than the Chief Administrative

1 Law Judge, shall be appointed for terms of 4 years. Each
2 administrative law judge is eligible for reappointment.

3 (b) Once appointed and confirmed, each administrative law
4 judge shall continue in office until his or her term expires
5 and until a successor has been appointed and confirmed,
6 subject to the provisions of Section 3A-40 of the Illinois
7 Governmental Ethics Act.

8 (c) The office of an administrative law judge under this
9 Section shall be vacant upon the administrative law judge's
10 death, resignation, retirement, or removal, or upon the
11 conclusion of his or her term without reappointment. Within 30
12 days after such a vacancy occurs, a successor administrative
13 law judge shall be appointed by the Governor, with the advice
14 and consent of the Senate, for the remainder of the current
15 unexpired term for that vacancy. In case of vacancies during
16 the recess of the Senate, the Governor shall make a temporary
17 appointment until the next meeting of the Senate, when the
18 Governor shall nominate some person to fill the office, and
19 any person so nominated who is confirmed by the Senate shall
20 hold office during the remainder of the term and until his or
21 her successor is appointed and qualified. No person rejected
22 by the Senate for the office of an administrative law judge
23 under this Section shall, except at the Senate's request, be
24 nominated again for that office at the same session or be
25 appointed to that office during a recess of that Senate.

26 (d) The Governor may remove an administrative law judge of

1 the Tax Tribunal, after notice and an opportunity to be heard,
2 for incompetency, neglect of duty, inability to perform
3 duties, malfeasance in office, or other good cause.

4 (e) Each administrative law judge of the Tax Tribunal,
5 including the Chief Administrative Law Judge, shall receive an
6 annual salary equal to that of the Director of the Department
7 of Revenue. The Chief Administrative Law Judge shall receive
8 an additional \$15,000 annual stipend. Beginning with the term
9 of the successor Chief Administrative Law Judge in 2029, the
10 Chief Administrative Law Judge shall no longer receive an
11 additional \$15,000 annual stipend.

12 (f) The Chief Administrative Law Judge shall have sole
13 charge of the administration of the Tax Tribunal and shall
14 apportion among the judges all causes, matters, and
15 proceedings coming before the Tax Tribunal. Each
16 administrative law judge shall exercise the power of the Tax
17 Tribunal.

18 (g) An administrative law judge may disqualify himself or
19 herself on his or her own motion in any matter, and may be
20 disqualified for any of the causes specified in the Illinois
21 Code of Judicial Conduct.

22 (Source: P.A. 97-1129, eff. 8-28-12.)

23 Article 40.

24 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~~

1 ~~consecutive full terms. For purposes of this prohibition, a~~
2 ~~member is considered to have served a full term only if the~~
3 ~~member has served more than half of a 4-year term.~~

4 (Source: P.A. 98-793, eff. 7-28-14.)

5 Section 40-10. The Kaskaskia Regional Port District Act is
6 amended by changing Section 33 as follows:

7 (70 ILCS 1830/33) (from Ch. 19, par. 533)

8 Sec. 33. After the expiration of initial terms, such
9 successor shall hold office for the term of 3 years beginning
10 the first day of July of the year in which the term of office
11 commences, and until a successor is appointed and qualified.

12 In the case of a vacancy during the term of office of any
13 member, the Governor shall make an appointment for the
14 remainder of the term vacant and until a successor is
15 appointed and qualified. No more than 8 members of the Board
16 may be affiliated with the same political party at the time of
17 appointment.

18 (Source: Laws 1967, p. 1184.)

19 Article 99.

20 Section 99-95. No acceleration or delay. Where this Act
21 makes changes in a statute that is represented in this Act by
22 text that is not yet or no longer in effect (for example, a

1 Section represented by multiple versions), the use of that
2 text does not accelerate or delay the taking effect of (i) the
3 changes made by this Act or (ii) provisions derived from any
4 other Public Act.

5 Section 99-97. Severability. The provisions of this Act
6 are severable under Section 1.31 of the Statute on Statutes.

7 Section 99-99. Effective date. This Act takes effect upon
8 becoming law, except that Articles 15 and 20 take effect July
9 1, 2026 and Article 10 takes effect July 1, 2027.".